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ERRATUM.—In last week's Number, a letter on the Patent Law was, by mistake, erroneously headed "The Marriage Law."

# THE SOLICITORS' JOURNAL.

*LONDON, MARCH* 5, 1859.

## OUR WRAPPER.

Our subscribers will observe a change this week in the title at the head of our wrapper. The *Weekly Reporter*, as announced at the late annual meeting of the Law Newspaper Company, is now owned by the proprietors of the *Solicitors' Journal*, and the two publications are united under one management. A joint title would follow, under any circumstances, as a natural consequence; but in our case motives of convenience have also weighed. At present, when the cases in the *Reporter* are numerous and long, we have to pay double postage; while, by adopting one title for the *Journal* and the *Reporter*, the stamp will cover the postage of both. Our circulation has increased so much of late, that the number of extra pennies has become formidable; and our readers will, no doubt, readily acquiesce in a change which will facilitate the distribution, while it will decrease the expense, of the publication. The change of title, we may observe, applies to the wrapper only. The *Weekly Reporter* retains its own separate title at the head of its pages, and will bind up at the end of the year precisely as before. The same observation applies to the *Solicitors' Journal*.

## CURRENT TOPICS.

During the past week a good deal of business has been done by Parliament. The Ministerial Reform Bill has been fairly launched, and provokes more comment and criticism than active opposition. The Debtor and Creditor Bill has been read a second time in the Lords, although nearly all the law lords, backed by Lord Overstone, pressed for a select committee of inquiry. The Chancellor fairly showed that there have been committees and inquiries enough on the subject, and while time would be lost, no new information could be gained. The portion of Lord Chelmsford's reply, in which he alluded to the petition of 4000 merchants, praying for the abolition of the official assignee, and for commercial freedom in bankruptcy, was somewhat discomfiting to Lord Overstone, who had previously spoken of the whole mercantile community as opposed to such a change. But we see here, as in other things, that the spectacles of self-opinion are very accommodating.

In the Commons, Mr. Collier's Bill, to disallow the expenses of conveying voters at elections, has passed a second reading, though opposed by the Government—a significant fact, which lends force to the rumours afloat among both parties, that the days of the Ministry are short. The belief most prevalent at the present moment is, that the Reform Bill will be negatived on the second reading, and that Ministers will resign without a dissolution.

Mr. Locke King's Real Estate Intestacy Bill provoked much opposition, and was thrown out by a decisive majority. Perhaps there was some truth in what Mr. Lowe said, that the question is exaggerated on both sides, and would do neither half the good nor half the mischief which its supporters and opponents respectively prophesy. Be that as it may, the measure is opposed to the feeling of the country, which does not view with approbation any attempt to seriously infringe on the principles of our real property law.

The Landed Estates Bill and Registry of Titles Bill have been read a second time without discussion—have been committed *pro formâ* for the insertion of amendments—and now await the further discussion of the House.

Chief Justice Cockburn delivered on Wednesday last the judgment of the Divorce Court in the celebrated case of *Robinson* v. *Lane*. The Court has dismissed the petition, on the ground that the admissions of adultery in the diary of the wife are not to be relied on in the absence of corroborative testimony. It must not, however, be supposed that the Court has laid down any general rule against evidence of this description. On the contrary, the Chief Justice clearly stated that,

> If, after looking at the evidence with all the distrust and vigilance with which it ought to be regarded, the Court should come to the conclusion—1st, that the evidence was trustworthy; 2nd, that it amounted to a clear, distinct, and unequivocal admission of adultery—it would have no hesitation in saying that it ought to act upon such evidence, and afford to the injured party the relief sought for. The admissions of a party charged with a criminal or wrongful act had been at all times, and in all systems of jurisprudence, considered as most cogent and conclusive proof; and, if all doubt of its genuineness and sincerity were removed, no reason would exist why such confession should not, as against the party making it, have full effect given to it in cases like the present.

The Chief Justice pointed out, in his judgment, the peculiar turn of Mrs. Robinson's mind, her flightiness and proneness to exaggeration, particularly on all subjects connected with the passions, as justifying the rejection of her diary as evidence. The Court refused Mrs. Robinson her costs, and expressed pity for her husband's unfortunate position. The judgment of Sir Alexander Cockburn is much admired for its ability.

We call attention to a petition of the Incorporated Law Society, in favour of a concentration of the superior courts of law and equity, which will be found in another column. A Bill is to be introduced by Lord John Manners, the title of which sounds ominous; but we have no fear that the Doctors'-commons scheme will be sanctioned by the House of Commons.

## BANKRUPTCY LAW REFORM.

### III.

One of the greatest evils of the present bankruptcy system is the enormous amount of the costs of administration, and no measure will be satisfactory which does not provide for a very considerable reduction of them. At present creditors are, on this account, so averse to going into Court, that it is not an uncommon practice for debtors to threaten them with bankruptcy if they do not accept the composition offered, which is often much less than the estate would yield if economically wound up; and in cases where assignments are made, creditors are frequently induced to forego the investigation into the debtor's conduct and transactions obtainable through the Court, and to wink at his delinquencies, rather than risk the loss of a considerable portion of the

dividend which the estate will pay if wound up privately by trustees appointed by the creditors. It is therefore evident, that besides the loss in dividends, the excessive costs of procedure have a direct tendency to encourage unfair conduct on the part of the debtor, and connivance by the creditor, and for the sake of commercial morality alone a sweeping reform is urgently required.

Before considering the means by which the costs may be reduced, it may be convenient to state, as far as the materials before us enable us to do so, what is the actual amount of the expenses under the existing system. From a Parliamentary return of amounts collected and disbursed in each bankruptcy wound up in the years 1853, 1854, and 1855, it appears that out of assets amounting to £1,978,325, £1,078,386, or 54 per cent., was paid in dividends; and no less than £627,221, or nearly 32 per cent., was disbursed in expenses, of which £235,513, or nearly 12 per cent., was paid in solicitors' charges alone. After deducting these dividends and expenses, a sum of £278,454, or 14 per cent. upon the gross assets, remained undisposed of. This balance would be subject to a further per-centage in the shape of official assignees' and solicitors' charges, court fees, &c.; but if the amount were added intact to the sum paid in dividends, it would only make up the total to 68 per cent., so that, upon the most moderate estimate, the average cost of administering all bankrupts' estates realised during the three years amounted to 32 per cent.

It has been objected to the reliability of these returns, that they do not distinguish preferential payments in full, such as rent, taxes, wages, &c.; and it has been alleged that these items form a considerable portion of the amount disbursed as expenses. In order to rebut this assumption, the accounts of all the estates administered through the hands of one official assignee, during three years, have been analysed, and the following is the result:—

| Year. | Receipts. | Preferential Payments. | Other Payments. | Dividends. |
|---|---|---|---|---|
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| 1854 | 13,944 2 2 | 512 7 1 | 6114 18 4 | 6918 5 11 |
| 1855 | 20,558 10 4 | 1908 4 1 | 8558 3 9 | 10,092 2 6 |
| 1856 | 5435 9 4 | 381 16 7 | 2903 12 10 | 2149 19 11 |
| Total .. | 39,538 1 10 | 2802 7 9 | 17,576 14 11 | 19,160 8 4 |

From this account it appears that the preferential payments amounted to 7 per cent. They are, no doubt, very variable; but the calculation is spread over a sufficient period to show a fair average.

In contrast with this, we have an authentic return of the expenses in Scotch bankruptcies, showing an average expense of 12 per cent., and (after adding 7 per cent. for preferential payments) a clear saving of 13 per cent. over the average cost in the English courts.

The first item of expense which we have to notice—and it is one which presses seriously and most unfairly upon the creditors of English bankrupts—is the charge upon the court fees of the annuities and compensations payable in respect of offices abolished in 1832, which still amount to about £22,000 per annum. Nothing can be more monstrous than that this sum should be levied upon bankrupt's estates at the present day; but we need not dwell upon the subject, as both the Bills before Parliament provide for the transfer of this charge to the Consolidated Fund; and we apprehend that compensation to the holders of offices, now or hereafter to be abolished, must, upon the same principle, be also paid out of the Exchequer.

The next item is, the salaries of the commissioners and other officers, which are at present paid entirely out of the court fees. In dealing with this question, it is unnecessary to re-open the discussion as to the soundness of a principle which has now been adopted with respect to every other tribunal but the Bankruptcy Courts, namely, that it is the duty of the State to provide judicial officers. This question may be considered to be settled; but it is alleged that the Bankruptcy Court is not a court of justice, but merely an administrative machinery for dividing insolvent estates amongst the creditors, for which the latter must pay. If this were a correct view of the case, the argument ought to be carried to its legitimate extent, and applied to the Insolvent Courts, the Sheriffs' Courts in Scotland, to the extent of their bankruptcy jurisdiction, and partially to the Court of Chancery, which at present has exclusive jurisdiction in the administration of the estates of deceased debtors. We think, however, that the opponents of the present system are not restricted to this *a quoque* argument, and that the question must be considered on higher grounds.

In a great commercial country, a bankruptcy or insolvency court is quite as much a necessity as courts of equity and common law; and if the judicial and mercantile or administrative elements in bankruptcy be separated and kept quite distinct, the accomplishment of which is one of the best features of Lord John Russell's Bill, the objection to which we have alluded will have no application, as the commissioners and registrars (except so far as the latter may act as a taxing-master) will be confined exclusively to the discharge of judicial functions, and will not be occupied either in the collection or distribution of assets. Questions of law or equity, or mixed questions of law and equity, will arise upon the petition for adjudication, the proofs of debts, the examination of the bankrupt and the application for certificate, which the commissioner must determine, but it cannot reasonably be contended that there is not at least as great an obligation upon the State to provide a court for the determination of these questions—all arising *ex necessitate*, as to provide tribunals for the recovery of debts, and the determination of questions of law or equity, arising out of disputes between individuals which are often of a capricious or frivolous nature. If it were necessary, it might, with some reason, be contended, that of the two classes, the unfortunate suitors in the Bankruptcy Court have a greater claim to the assistance of the State, than litigants who seek the aid of the equity or common law courts from other motives or causes than necessity. Upon the whole, we think that having regard to the country on the one hand, and suitors on the other, the fairest settlement of the question would be, to charge the salaries of the judges and registrars and the Court expenses upon the Consolidated Fund, and to pay the salaries or other remuneration to the taxing-master in London (if retained), the official assignees, and any other officers, out of fees; and that in the country, the per-centage paid on taxation of costs by the registrar should go into the exchequer, towards the payment of his salary.

The costs of administration may be further economised by the abolition of unnecessary offices, the reduction of the number of meetings, and other alterations in the procedure; but it will be more convenient to deal with these matters when we come to the consideration of the constitution and practice of the Court.

As we have before intimated, this question deserves serious consideration upon more important grounds than the mere saving of expense, for the sake of dividends, and we trust the Chancellor of the Exchequer will not resist the transfer to the Consolidated Fund of the existing and future compensations in respect of abolished offices, and such a proportion of the salaries payable under the new system, as will place the Bankruptcy Courts in England upon an equal footing with the Sheriffs' Courts in Scotland.

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Mr. George Hunter Carey, of the Chancery bar, has been appointed Attorney-General of the new colony of British Columbia.

## The Courts, Appointments, Vacancies, &c.

### GUILDHALL.

(Sittings at Nisi Prius, before Mr. Baron BRAMWELL, and a Common Jury.)

*Paget* v. *Bottomley.—Feb.* 26.

This was an action brought to recover damages for an alleged slander. The defendant pleaded "Not guilty."

Mr. *O. B. C. Harrison* appeared for the plaintiff; Mr. *Henry James* represented the defendant.

It appeared from the plaintiff's case that the parties were housekeepers at 55, Broad-street, City, and, a letter containing bills of exchange having been missed from a room under the control of the defendant, she made use of the words complained of—namely, "No doubt that the woman up-stairs has taken it, and has given it to her friend the Frenchman."

At the conclusion of the plaintiff's case Mr. *James* submitted that the words used did not amount to a slander.

Mr. Baron BRAMWELL.—I have very considerable doubt whether they do, and it is very singular that there is no case upon the subject. It seems to me if any person states the conclusion at which, upon certain facts, he has arrived he is not guilty of slander. However, Mr. *James*, you had better go to the jury. This is a sort of make-believe action, for if one party recovers she gets nothing; and about a few paltry words which no one believed, costs have been incurred amounting to upwards of a £100. I must say it is a scandalous action.

The learned counsel having then addressed the jury on behalf of their respective clients,

His Lordship summed up.

The jury asked what amount of damages would carry costs.

Mr. Baron BRAMWELL said, he was not sure that he ought to tell them if they were going to make a bad use of the information, as they would do if they allowed their verdict to be influenced by it. However, Lord Campbell had said that it was a part of the law of the land, and, therefore, a jury should be made acquainted with it. The amount of damages which would carry costs was 40*s*.

The jury returned a verdict for the plaintiff, damages one shilling.

### THE STATE OF THE COURT AT GUILDHALL.

In the course of a trial, on Saturday last, Lord CAMPBELL noticed the unseemly attitude of the attorney for the defendant, standing with his back to the judge, and leaning over the first row, where the Queen's counsel sit.

The attorney explained that he was taking notes of the evidence, in the temporary absence of the leading counsel, and, as there was no table provided for the attorneys, he was obliged to stand and write. He was very glad of the opportunity of noticing to his Lordship the fact, that in no other court were attorneys left without the accommodation of a desk or table.

Lord CAMPBELL said, he quite concurred in the justice of the complaint, and he supposed that if it were noticed in the usual manner something would be done to remedy it.

### CENTRAL CRIMINAL COURT.

(Before Lord Chief Baron POLLOCK.)—*Mar.* 2.

Alfred Skeene and Archibald Freeman, the colonial brokers, who were convicted at a recent session, under the Factors Act, of having misappropriated a warrant for a cargo of timber, were brought up for judgment. These prisoners, it will be remembered, carried on an extensive business in the City of London as colonial brokers, and they were convicted of having unlawfully disposed of a warrant for a cargo of timber that had been entrusted to them to sell, by borrowing money upon it from their banker. A point of law, under a clause in the 15 & 16 Vict. c. 30, was raised on their behalf, similar to the one put forward in the case of Sir John Paul, namely, that as the bankrupts had made a full disclosure of the circumstances connected with the transaction, upon their examination in the Bankruptcy Court, they were shielded by so doing from all criminal consequences. The judges sitting in the Court of Criminal Appeal, however—nine to five—decided that this exception only applied to cases where the disclosure was made before any criminal proceedings had been instituted, and they therefore confirmed the conviction; and the defendants, who have been at large upon bail, were consequently called upon to surrender and receive judgment.

His Lordship, in passing sentence, said, the exigency of public justice demanded punishment. A man who forges a deed the more easily to raise money, in the expectation of repaying it, and does repay, has still been guilty of forgery. Dr. Dodd, when he committed the forgery of the Earl of Chesterfield's name to the bond, intended, and expected to be able to pay it; and, in fact, he (the learned Baron) believed it was satisfied to the fullest extent, and that, at all events, nearly the whole of the money was paid. But no lawyer of that day ventured to suggest that the crime did not exist. Not many years since the law was altered; but a century ago a celebrated satirist pointed out the anomaly of the law, and on being asked by a Frenchman why he did not prosecute the person who had cheated him, replied, "Oh, it is only a breach of trust!" upon which the Frenchman replied, "Why, that is treachery added to dishonesty." It was true that, until lately, it was merely a breach of trust, but now brokers and agents were in the same position of servants. After some further very lengthy remarks on the newness and nature of the offence, the learned judge said the object of the punishment would be as an example, and to deter others from pursuing the same course.

The prisoners were then sentenced to twelve months' imprisonment with hard labour.

John M. Read and Samuel Thompson, of "The Mercantile Loan Fund Association" notoriety, pleaded guilty to the several indictments brought against them for fraud and conspiracy, and were sentenced to eighteen months each hard labour. No evidence was offered against the female prisoner, Ann Thompson, and she was discharged.

### NORTHERN CIRCUIT.—NEWCASTLE.

(Before Mr. Justice WILLES and a Special Jury.)

*Block* v. *Elliot.—Mar.* 1.

This was an action brought by a farmer residing near Belford against a chemist at Berwick, to recover compensation for the poisoning of 850 sheep by means of a wash sold by the defendant to the plaintiff, for killing the vermin and cleansing the skin and wool. This practice consisted of the immersion of the sheep, with the exception of the head, in a solution, the poisonous ingredients of which were not disputed. On Saturday, the 14th August, the operation was performed, and on the following Monday the sheep began to die off. But in the interval a very heavy storm visited that district, which washed the solution from the fleeces of the sheep and poisoned the grass, of which an ass and an ox suffered the same fate as the sheep. The symptoms were staggering, giddiness, sickness, faintness, and ultimately death ensued.

In addition to its fatal effects on the cattle, it operated prejudicially on several other parties who were engaged in the dipping, by penetrating the flesh of their hands and arms. Several witnesses were examined, and it was proved that the portion of wash powder allotted by the defendant to each sheep was 195 grains; that the poison of arsenic was dangerous and capricious, and would sometimes poison and sometimes not. It might be used with impunity, but never without risk.

Mr. *Atherton*, Q.C., having addressed the jury for the defendant, the learned judge summed up, and the jury returned a verdict for the plaintiff—damages, £1400.

### WHITECROSS-STREET PRISON.

Since the recent riotous proceedings in the Whitecross-street Prison, rigorous measures have been adopted, and very heavy penalties have been imposed for unlawfully conveying spirits into the gaol. Two men have been fined in the mitigated penalty of £5 each, or in default one month's imprisonment, for this offence, which it is said is greatly on the increase. Under the Act, governing cases of this kind, the penalty was fixed at not more than £30, nor less than £10, or three months' imprisonment; but under Jervis's Act, the magistrate is empowered to further mitigate the penalty; but he has no power, under the Prisoners Act, to allow time for payment of the fine beyond the rising of the Court. This is a great hardship, and not only imposes a penalty totally at variance with the offence, but throws obstacles in the way of the recovery of fines, by restricting the time for payment, by which highly respectable persons may, and have been, sent to prison to herd with felons, for the simple reason that they forgot to put £5 in their pockets when they left home in the morning.

### EXTRAORDINARY CHARGE AGAINST A TRUSTEE.

Fabean Court Cullen, a man about forty-five years of age, was brought before the Lord Mayor on Saturday last, charged

with having obtained £1100 from Mrs. Julia Phillips, a widow, residing at Abbey Wood, Kent, by false pretences.

Mr. *Metcalfe*, who appeared for the prosecution, said, Mrs. Phillips, the prosecutrix, was in 1852 left executrix to the will of her late husband, Mr. Joseph Phillips, who left her considerable property. She had to prove the will and pay the legacy duties, and before the accounts were passed she was introduced to the prisoner, who at that time lived at Canterbury, as a person of respectability. She was introduced to him either as an attorney, or acting as an attorney, and he was entrusted by her to get the accounts passed, to pay the legacy duties, and to perform other matters connected with the will. He told her that the duties would amount, as in reality they did, to about £600; and she gave him, on August 25, 1856, £600 for the express purpose of paying those duties, and she took from him the following receipt:—"Received of Mrs. Julia Phillips the sum of £600. F. C. Cullen." It turned out that the duties were not paid. Ultimately the affairs were thrown into Chancery by some of the relatives, and it became necessary to prove the payment of the duties. The prisoner then went to Mrs. Phillips, made a communication to her, seemed anxious that matters should be arranged, told her that the legacy duties were paid, that the accounts were passed, but that the papers were detained by the officer connected with the Legacy Duties Office. He said that it was necessary to get the papers, but that before he could do so he should have to deposit £500 further, which would be hereafter returned to her, and he professed that he was very intimate with the gentleman at Somerset House who had the conducting of the business, and whom he would induce to remit a portion of the duties. The prosecutrix was beguiled by this statement, and after some considerable difficulty she raised the £500, and entrusted him with it, making altogether £1100, he pretending that the papers were in the Legacy Duties Office. Instead of paying either the £600 or the £500, the whole amount paid had been two sums of 8*l.* 12*s.* 4*d.* each.

The prosecutrix was then examined, and her evidence being corroborative of the statement of her counsel, the prisoner was remanded.

THE CORONERSHIP FOR EAST MIDDLESEX.—Two gentlemen are in the field for the coronership of the eastern division of the county of Middlesex, rendered vacant by the death of Mr. Baker—namely, Mr. T. W. Radcliff, of Stepney, auditor of the north-east metropolitan district; and Mr. J. Humphreys, the election agent. The appointment is in the gift of the freeholders.

We regret to have to announce the death, on Sunday last, in the seventy-first year of his age, of W. J. Broderip, Esq., F.R.S., who, for upwards of thirty years, held the office of one of the metropolitan magistrates. The late lamented gentleman was called to the bar of the Hon. Society of Gray's-inn on the 13th May, 1817. In the early part of the year 1819 he commenced with Mr. Bingham, the present sitting magistrate at Great Marlborough-street Police Court, to edit the reports bearing their names, which lasted till he was appointed to the Thames Police Court in 1822, Mr. Bingham continuing the reports alone. In December, 1846, he was transferred to the Westminster district, where he sat till his resignation, which took place in January, 1856. The deceased was a bencher of Gray's-inn, and was much respected by all who had the honour of his acquaintance. His taste for natural history led him to take a deep interest in its study, and a few years since he published in one volume, "Leaves from the Note-book of a Naturalist," which was a reprint from *Fraser's Magazine*.

Amongst the educational qualifications for voters in counties and boroughs proposed in the new Reform Bill, are barristers-at-law, serjeants-at-law, in any of the inns of court in England, or a certificated pleader or conveyancer; certificated attorneys, and solicitors or proctors, in England and Wales; or anyone who shall be a graduate of any university in the United Kingdom.

## Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

DOMICIL, ORIGINAL AND ACQUIRED.

*Lord* v. *Colvin*, 7 W. R., V. C. K., 250.

This case is worth noting, not because it establishes any new point in the law of domicil, but as illustrating the doctrine which was laid down in *Hoskins* v. *Matthews* (4 W. R. 216), that the domicil of origin is not so easily lost as an acquired domicil.

The present case took twenty-two days in argument before the Vice-Chancellor, who occupied a whole day in giving judgment. The testator, Dr. Peter Cochrane, was born in Scotland, entered the East Indian medical military service, amassed a fortune in India, where he married, and then returned to Scotland, where he had an estate, and where he probably would have passed the remainder of his life had it not been for rumours against his wife's character, and some other matters of dissatisfaction, which made his residence there uncomfortable. He accordingly removed to Paris in 1826, and remained in France till his death in 1831, with the exception of a visit to England and Scotland in 1829. He made two wills—one in India, in English form, and one in Scotland, in Scotch form, in 1821; and also a settlement in Scotch form, in 1829. If Dr. Cochrane's Scotch domicil had not been his original domicil, but an acquired one, it seems probable that the Vice-Chancellor would have held that he had exchanged it for a French domicil; but under the circumstances, the Court pronounced in favour of the domicil of origin, namely—the Scotch. (See Story's Conflict of Laws, s. 44; Phillimore on Domicil, p. 101.)

BANKRUPT—CONDITIONAL CERTIFICATE—SALARY OF PUBLIC SERVANT.

*Ex parte Harnden*, 7 W. R., L. J., 280.

In this case the Lords Justices have once more protested against the system of giving conditional certificates to bankrupts in such a way as to send them back into the world with power to contract fresh debts, and crippled as to their means of liquidating them. The same opinion was expressed by them in *Ex parte Hammond* (3 W. R. 197), and *Ex parte Anderson* (5 W. R. 483). In the present case, the trader was an eating-house keeper, and held, at the same time, the office of timber measurer in one of her Majesty's dockyards, at a salary of £150 year. The Commissioner gave him a second-class certificate, but annexed to it a condition that he should pay annually a certain portion of his salary as timber measurer to the official assignee. This condition was struck out by the Lords Justices, who gave him an unconditional third-class certificate. (See "Wise's Bankrupt Law," 212.)

Another reason for expunging the condition should also be taken notice of—viz. that the bankrupt enjoyed his salary for duties as a public servant, and the Lords Justices considered it contrary to public policy that the salaries of public servants should be reduced below that amount which the authorities considered adequate payment for the duties they have to perform.

STATUTE OF LIMITATIONS—BOND DEBT—ACKNOWLEDGMENT.

*Moodie* v. *Bannister*, 7 W. R., V. C. K., 278.

In this case, *Kindersley*, V. C., decided that, with respect to a bond debt which had become due more than twenty years before the suit, it was not necessary that the acknowledgment in writing required, in order to take the case out of the Statute of Limitations, should amount to a fresh promise to pay. According to this decision, the case of a bond debt under 3 & 4 Will. 4, c. 42, s. 5, differs from that of a simple contract debt under the old Statute of Limitations (21 Jac. 1, c. 16). In the case of simple contract debts, it is well established that the acknowledgment must be such as will imply a promise to pay; but the Vice-Chancellor has decided it otherwise of specialty debts, and that a mere acknowledgment of the debt being unpaid is sufficient. In the present case, the acknowledgment was in the answer of the executrix of the obligor in a suit instituted by the creditor, which contained the following passage:—"I say that the only debt of the testator which remains unpaid is a debt of £299, with a considerable arrear of interest owing to G. H. on the testator's bond; and such debt has not hitherto been paid, because the testator was surety only for J. W. B., who died in 1829." The Vice-Chancellor observed that this section (3 & 4 Will. 4, c. 42, s. 5) first contained the word acknowledgment, which did not occur in the statute of James. On what acknowledgment was here meant the whole question for decision turned. Was it any acknowledgment, whether amounting to a promise to pay or not? This was a question of considerable importance, now arising for the first time, and, except in one case, where it was not decided, the cases did not touch the question. His Honour then expressed his opinion, that the effect of the section was, that *any* acknowledgment in writing was sufficient, and would prevent the setting up of the statute. The result was, that the residuary legatee was bound by this acknowledgment of the executrix; although the mere fact of the executrix not having set up the Statute of Limitations would not have precluded the residuary legatee from doing so. (See "Smith, on Contracts," 313.)

SOLICITOR'S LIEN—COMPROMISE.

*Verity* v. *Wyld*, 7 W. R., V. C. K., 270.

This case is of importance, as illustrating the nature and extent of a solicitor's lien on a fund in Court. The solicitor in this case acted for the plaintiff, who had executed a creditor's deed, and had filed a bill against the trustees of the deed charging them with breaches of trust. The trustees paid a sum of money into court; and afterwards a compromise was agreed upon between the parties, under which the fund was to be paid to the creditors. As no part of the money was to come to the plaintiff, his solicitor endeavoured to impeach the compromise as collusive against him, inasmuch as it deprived him of his lien for costs; and he presented a petition, asking that provision might be made for the payment of his costs, in preference to the costs of the other parties, and in the alternative that no order might be made in the suit for the payment of any sum to any of the parties without notice to him. But the Vice-Chancellor held that the petition was founded in error; for a solicitor has no lien on the property of his client, as against other parties, but only on whatever the client recovers as the fruits of the suit, which, before it comes into his pocket, is liable to satisfy the solicitor's costs; but if there was reason to suppose that the client was attempting to receive money, the fruits of the suit, so as to exclude the solicitor, that would justify an application by the solicitor, to prevent the fund from being so far dealt with.

His Honour also remarked, that the solicitor's lien would never be allowed to preclude an honest and fair compromise.

## Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

### I. IN BANC.

PRINCIPAL AND AGENT, LAW OF.

*Smethurst* v. *Mitchell*, 7 W. R., Q. B., 226.

The rules which regulate the liability of principals who buy goods through an agent are well defined and simple, but their application to particular combinations of fact is occasionally somewhat uncertain. The general proposition is, that a seller to an agent who does not disclose his principal, may resort, at his option, either to the agent or to the principal, as soon as he discovers who the latter is. The case of *Thompson* v. *Davenport* (9 B. & C. 78) is a leading one upon the subject. There Lord *Tenterden* said, that if a person sells goods, supposing at the time of the contract that the person with whom he is dealing is not the principal in the transaction, but agent for a third person, he may afterwards recover the price from the principal, though in the meantime he has debited the agent; but this doctrine must be taken subject to the following proviso—viz. that the state of the accounts between the principal and the agent has not in the meantime become altered to the prejudice of the former. This qualification is founded upon the doctrine that when once the seller has made his *election* between the agent and the principal, he is bound by his choice; and that, at all events, it would be unfair to the principal to hold him liable after he has given credit to his agent, or paid him money in respect of the purchase—provided always the time of payment for the goods agreed on at the time of sale has expired. On the other hand, if the time of payment has *not* elapsed, then the principal cannot, by prematurely settling with his agent, exonerate himself from his liability to the seller. (See *Kymer* v. *Suwercroft*, 1 Camp. 109; *Heald* v. *Kenworthy*, 10 Exch. 739.)

In the present case the plaintiff sued the principal in the place of the agent under the following circumstances:—The goods, the price of which was the subject of the action, had been originally sold in August, 1857, to a commission agent H., and the plaintiff at that time knowing H. to be such an agent, knew nothing of the defendant's being principal in the transaction. H. had been supplied by the defendant with funds to meet the price of the goods, for he had accepted bills drawn on him by H.; but these (though negotiated by H. at his own bankers) were never applied in payment of the goods purchased for the defendant. In October, 1857, the defendant's firm stopped payment, and in November of the same year the plaintiff was for the first time informed by H. that he had bought the goods for the defendant. Notwithstanding this intimation, however, the plaintiff never declared any intention of proceeding against the defendant, or of electing to treat him as vendee till nearly a year afterwards, when the present action was commenced. At the trial a verdict was found for the defendant on the ground above alluded to, viz. that since the sale the state of the accounts between H. and the defendant had become altered to the prejudice of the latter; but leave was given to move the Court that the verdict be entered for the plaintiff. The main argument in his favour was, that the time of election did not arrive till after the bills had been remitted by the defendant to H. to cover the price of the goods, and that these bills being (as they were) dishonoured, nothing was really done to alter prejudicially the position of the defendant with regard to H.'s accounts *after* the right of election accrued. But the Court nevertheless allowed the verdict to stand, on the ground that the plaintiff was at all events bound to elect to proceed against the defendant a *reasonable* time after he was discovered to be the real principal; and that the plaintiff, having allowed nearly a year to elapse before treating the defendant as vendee, raised the presumption that, after discovering who the principal in the sale was, he still elected to continue to trust the agent to whom he had in fact sold. This case may be added as a pendant to that of *Heald* v. *Kenworthy* (10 Exch. 739), cited in "Smith's Mercantile Law," by Dowdeswell, p. 150. There the principals were held indeed to be liable, but they had given their agent authority to pledge their credit, instead of (as in the present instance) supplying him with funds in anticipation, by means of bills.

PRACTICE—PLEADING—GENERAL ISSUE.

*Newton* v. *Cubitt*, 7 W. R., C. P., 228.

This case is an authority for the proposition, that, in the system of pleading which has become established since the Common Law Procedure Acts, 1852, 1854, it is not allowable, any more than it was before the changes introduced by those statutes, to place on the record at the same time, and with regard to the same cause of action, the "general issue" appropriate to the case, and also a special plea, the defence raised by which may be given in evidence under the general issue. The defendant in the present case was sued for invading the plaintiff's ancient ferry, and was desirous of being allowed to plead together with pleas of "not guilty" and "not possessed"—a plea setting forth certain facts showing that the plaintiff, at the time of the alleged invasion, possessed no such right as that in respect of which he sued. All the judges of the Common Pleas concurred in holding that such pleading could not be allowed.

### II. COURT OF CRIMINAL APPEAL.

AN AFFILIATION SUMMONS IS NOT A PROCEEDING IN POENAM.

*Reg.* v. *Berry*, 7 W. R., C. C. R., 229.

This was a case of perjury alleged to have been committed upon the hearing of an affiliation summons granted against the prisoner—such alleged perjury consisting in his having falsely sworn that he had never paid any maintenance money to the applicant. The mother of the child stated verbally, on her application for the summons (though not on oath), that such money had been paid to her by the prisoner twelve months after her child's birth, as required by the statute (7 & 8 Vict. c. 101), in order to give the magistrate jurisdiction. The prisoner was indicted for this alleged perjury, and found guilty; but sentence was postponed till the opinion of the Court of Criminal Appeal could be had on two points raised in his favour; 1st, that according to the proper construction of the 7 & 8 Vict. c. 101, and 8 Vict. c. 10 (the Acts under which the affiliation proceedings had been taken), the summons could only legally have been granted on a written information and after oath made that money had been paid by the putative father; and 2ndly, that the perjury was assigned on a matter not material, inasmuch as the fact of payment was material only for the purpose of *granting*, not disposing of the summons. This last objection the Court of Criminal Appeal put aside immediately, saying, that it was necessary at the hearing of the summons to prove the payment of the money by the defendant as alleged, and that such payment was clearly corroborative evidence of the paternity, and consequently anything but "an immaterial matter." With regard to the summons having been granted on the verbal application of the mother, and not on oath, the Court entertained more doubt, and ultimately overruled the objection, contrary to the judgment of *Martin*, B. The decision of the majority of the Court was founded on their opinion that the proceedings given by the Bastardy Acts above referred to were not in poenam, but in the nature of a civil suit, to impose a pecuniary obligation on the putative father; and that, consequently, the prisoner could not now object to the matter having originally been disposed of coram non judice, since he had attended the summons, and thereby

waived any irregularity that might have existed in the process. The case of *Reg.* v. *Wiltshire* (Justices of) (12 A. & E. 793) was express in favour of the Crown; for there it was held that a putative father, who had appeared at the petty sessions to oppose an order being made against him for maintenance, could not afterwards for the first time object that he had not received the seven days' previous notice of the intended application, required by the law on this subject then in force. On the other hand, the case of *Reg.* v. *Scotton* (13 L. J., M. C., 58), relied upon by the prisoner, was distinguishable, because there the irregularity complained of had been in proceeding on a *penal* statute, and, consequently, was not waived.

## Communications, Correspondence, and Extracts.

### TRANSFER OF LAND.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—Whatever may be the opinion of the lawyers with reference to the Bill of the Solicitor-General, it is evidently the determination of the public at large that the present system of conveyancing shall be superseded by another less expensive. Whether the new system will work as well as the old one, and the expenses in the majority of cases be reduced as much as the public seem to anticipate, are problems which it is at present impossible to solve; though my own opinion is, that in ordinary and small conveyances the benefits to be conferred by the Act will not be so advantageous, pecuniarily, as people imagine. We know very well that the salaries of judges, registrars, commissioners, clerks, &c., cannot be paid out of a small fund; and therefore that the fees to be paid by purchasers will not be of a trifling nature. We have a specimen of the cheapness of undertakings of a national character in the county courts, the fees of which, considering the immense amount of business done therein, are monstrously high—the hearing fees alone being two shillings in the pound on the amount sued for; while, by-the-bye, the treasurer (*a Government nominee*) gets £850 per annum for a few weeks' work in the course of the year, and the attorneys practising in the court a ridiculously small allowance, and nothing at all in cases below £5. However, the public have made up their mind to a court for the registry of titles, and have it they will—for never, perhaps, was public opinion, so far as it has yet manifested itself, so unanimous in favour of any measure. No doubt many solicitors have given just cause of complaint of the expense of the present system; and now they will most assuredly suffer for it, and drag their less blameable brethren into the same mess with themselves. To the latter class (and particularly to young solicitors) the consequences will be very serious; and, of course, equally so to the former; but they do not deserve any sympathy.

Let us, then, suppose that the new system will deprive us of half our present reasonable profits; and that it will ultimately do so, I do not think there can be much doubt. Can we afford to lose it? Are the other departments of professional business so numerous and profitable that we can generously give up our earnings to gentlemen of the bar of seven years' standing, who, I presume, will be appointed by the Ministers for the time being to do the work hitherto done by us? The statistics of the amount of business done in the superior courts since the extension of the county courts, and the scale of fees in the latter courts allowed to us, will best answer these questions.

What will become of four-fifths of the gentlemen intending to enter our branch of the profession is a mystery to every one. Mr. Warren has wisely given a word of caution to parents not to expend large sums of money in putting their sons to a profession the duties and emoluments of which are gradually dwindling away, and which, I fancy, will, in a few years, be almost nil, in consequence of the absorption of nearly all business by the State. This is a serious matter, being nothing less than the present injury, and perhaps future extermination, of one branch of the profession for the benefit of the other. The attorneys have hitherto put up with much bad treatment without grumbling, and have shown themselves content to waive their just claims to many public appointments for which they are eminently qualified. Look at the Court of Bankruptcy, for instance. What barrister of seven years' standing is more competent to fill the office of commissioner in bankruptcy than Mr. Linklater or Mr. Lawrance? Yet, because both these gentlemen are solicitors, they are excluded from all hope of promotion.

I am sure, sir, you will do all you can to advance our just claims to fill the many appointments which this new Act will create, and to prevent, if possible, the vast amount of patronage which it will confer from being monopolised by the Government, else the Act would be more honestly intituled, "An Act to provide Employment for the Relations of her Majesty's Ministers," than "An Act to simplify the Titles to Estates." Any appointments that are open to us should be to us *exclusively*, for we all know by experience that when a barrister *or* solicitor is eligible, the latter is often passed over. Better will it be if only a few appointments are given to us alone, than a great many to be divided with the bar. We shall then know what to expect—otherwise, I fear but very few appointments will be given to members of our unfortunate body.

A word or two about the certificate duty. Will the country lawyers consent to pay the Government £6 annually for the great privilege of doing nothing? I should like to know, sir, what reason can be assigned why barristers, who enjoy exclusive audience in the superior courts, and monopolise nearly all legal appointments—certainly all the best—should not pay certificate duty as well as ourselves? If the attorneys quietly submit to this scandalous impost any longer, they will not deserve commiseration. Meetings of the profession should be held in every town, and petitions presented to Parliament at once for the total abolition of the duty, or for its reduction, which its extension to the bar would enable the Government to effect. Unfortunately we have no efficient representative of our body in Parliament, nearly all the lawyers there being barristers; but we make our power to be felt if we only determine upon action.—Your obedient servant, ROBERT WHEELER.

Cheltenham, March 2, 1859.

### COSTS IN COUNTY COURTS.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—Allow me, through the medium of your paper, to draw the attention of the profession to a plan by which those provisions are evaded which are intended to operate as a check on costs being run up against defendants in cases properly within the jurisdiction of the county courts.

I was engaged a few days ago in taxing a small bill of costs in a case in which the plaintiff claimed 2*l.* 6*s.* more than he was entitled to, and a summons was therefore taken out to stay "on payment of 5*l.* 12*s.*"—"*and costs* (*if any*) *to be taxed, &c.*" The plaintiff's attorney refused to take such sum unless the order was drawn up "*with costs to be taxed;*" the same amount was therefore paid into court, the plaintiff by his replication accepting it in full discharge.

On the authority of several cases, the Taxing Master held that the payment of money into court by the defendant entitled the plaintiff to his costs without reference to the 15 & 16 Vict. c. 54, s. 4, which provides for an application on the part of the plaintiff to the court or a judge to obtain his costs in actions under £20.

If an order is made on a summons to stay the payment of a certain sum, it appears that the plaintiff is entitled to his costs, up to the time of such summons, notwithstanding he might have been deprived of them had the defendant not appeared but given notice of opposing plaintiff's application for costs.

The result of this is obvious, for in every case where there is a desire to "make costs" in causes properly within the jurisdiction of the county courts, the plaintiff's attorney need only issue a writ in the superior courts claiming £2 or £3 more than his client is entitled to, and the defendant is then forced to take one of four alternatives:

He can either submit to a judgment including the overplus unjustly claimed, and then oppose the plaintiff's application for costs;

Or he may take out a summons to stay, on payment of the right amount, an order on which entitles the plaintiff to costs;

Or he may pay the money into court, which entitles the plaintiff to his costs;

Or, if of an obstinate disposition, he may take the last and worst alternative, and defend the action, and if right, thus depriving the plaintiff of his costs, remaining, of course, saddled with his own.

This is surely a most serious flaw in those Acts which have been framed with a view, if possible, of preventing any unfair or oppressive treatment towards defendants on the part of plaintiffs or their attorneys.

Apologising for intruding so much on your valuable space—I am, Sir, your obedient servant, AN ARTICLED CLERK.

March 1, 1859.

## TRUSTEES RELIEF BILL.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—I am anxious to call the attention of the profession to the 28th section of the otherwise excellent Bill of Lord St. Leonards' "To amend the Law of Property, and to relieve Trustees." This section renders a solicitor or agent of a vendor of land liable to fine and imprisonment, "with or without hard labour," on being convicted of having fraudulently concealed any deed or instrument from the purchaser in order to induce him to accept the title offered to him.

This clause, as it appears to me, is unnecessary and mischievous. I have not heard that any evil has resulted from the want of such an enactment. Surely the present remedies are sufficient. Instead of simplifying and reducing the costs of the transfer of land, which is the object of most of the recent legislative measures on conveyancing matters, it would, in many cases, increase the length of our abstracts, and consequently the amount of our bills. It would operate in this wise: It constantly happens that the owner of land desires to sell it by auction in many lots; and it is important to keep down the costs as much as possible; the solicitor is instructed accordingly; he takes as the root of his client's title a conveyance twenty years old, and makes it one of the conditions of sale that the purchaser shall not be entitled to any evidence of the vendor's title anterior to that deed. The solicitor puts on one side all the earlier deeds; he does not consider it necessary to examine them, knowing that, if he did, his client would think he was putting him to unnecessary expense, and he would lie under the imputation of "making business." But could he do this if this Bill should pass with its 28th clause? Would he not say, I must abstract all these old deeds, lest hereafter some more ingenious man than myself should raise therefrom a quibble fatal to the marketability, although, perhaps, not to the safety of the title; and I may be indicted for a misdemeanour, when it will be vain for me to say, I did not do it fraudulently, for I did not look at the deeds? The having the means of knowledge would be too strong for credence to be given to such an answer. If this view is sound, I trust measures may be taken to have the obnoxious clause expunged from the Bill.—Yours, &c.

March 1, 1859. A SOLICITOR.

## LICENSED MENDICANCY.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—It was my duty to attend the trial of an action in the Court of Common Pleas, at the Guildhall, during the present sittings after term. I was the attorney for the plaintiff. The jury had scarcely pronounced their verdict when I was beset, in the presence of the judge, by three men, all of them wearing gowns, who insisted on my giving them alms. I gave to the first applicant 2*s.*, who said that was not sufficient; to the second I gave 3*s.*, and he said, though dressed in a gown, that this charity was all he had to depend upon, and that he had to divide it between four. A third then came up and demanded money, but, believing in Banquo's ghosts, I thought it high time to hold hard. This man—I think he called himself the hall-keeper—was very importunate, but I was inflexible; and the stream of my charity to the poor city officials, who "have nothing else to depend upon," being stopped, I had no further applications.

Will you allow me, Sir, to ask, through your columns, one question of the dignitaries of our poor City of London? Is not this state of things disgraceful?—I remain, Sir, your obedient servant, PLAINTIFF'S ATTORNEY.

February 26.

## CONCENTRATION OF THE COURTS OF LAW AND EQUITY, AND THE OFFICES THEREOF.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED.

*The Humble Petition of the Society of Attorneys, Solicitors, Proctors, and others, practising in the Courts of Law and Equity of the United Kingdom, incorporated by Charters of King William the Fourth and Queen Victoria,*

SHEWETH,—

That the insufficiency of the existing courts of law and equity, and of the offices connected therewith, for the due administration of justice in this metropolis, has long been the subject of complaint, as well on the part of the suitors and the public, as of the judges of the respective courts, the members of the bar, and the general body of practitioners.

That most of the courts are of inadequate dimensions, defective in construction, and ill-adapted to the important purposes for which they are designed.

That the courts of law at Westminster, even if their early removal were not necessary for the completion of the new Houses of Parliament, are inconvenient in situation, insufficient in space, and destitute of the requisite accommodation for jurymen and witnesses, for suitors, their counsel and attorneys, and for the public.

That the evils thus complained of have already formed the subject of inquiry by your Honourable House—select committees having been appointed in the years 1840, 1841, and 1845, "to consider the expediency of erecting a building in the neighbourhood of the inns of court, for the sittings of the courts of law and equity, in lieu of the courts adjoining Westminster Hall, with a view to the more speedy, convenient, and effectual administration of justice."

That the evils above adverted to were proved in evidence by numerous witnesses examined before such committees, amongst whom were included the late Lord Chancellor Cottenham, the late Lord Langdale (then Master of the Rolls), two of the then Vice-Chancellors, some of the common law judges, Masters in Chancery, eminent members of the bar, and attorneys and solicitors in extensive practice, who concurred in opinion that the concentration of all the courts of law and equity, and the offices connected therewith, in a central situation, would greatly promote, as their separation and dispersion greatly impeded, the due and convenient administration of justice.

That the evils thus brought under the notice of your Honourable House have since greatly increased, owing to various legislative and other changes which have recently taken place; to the establishment of new courts; and to the creation of additional judges in equity, involving, as a necessary consequence, the appointment of an increased staff of registrars, clerks, and other officers.

That since the abolition of the office of the Masters in Chancery, a very large and important portion of the business of the Court of Chancery is performed in the chambers of the Master of the Rolls and the Vice-Chancellors, where the decrees and orders of the different branches of the Court are worked out in detail. But that the beneficial operation of this change is much impeded, and the complete and effective superintendence of the judges over their officers prevented, by the want of suitable and convenient chambers in immediate proximity to the respective courts.

That the chief clerks of the Master of the Rolls and of the three Vice-Chancellors occupy small private chambers, separated from their respective courts, and from each other, and wholly inadequate in size and accommodation to the important and daily increasing amount of business transacted therein.

That, of late years, the attention of the Legislature has been earnestly devoted to the subject of legal reform; to the correction and removal of imperfections and anomalies in the law itself; and to the simplification and improvement of the modes of procedure.

That with this view, legislative provisions have been made (amongst other things) for giving to the courts of common law and of equity concurrent jurisdiction over matters in regard to which their powers have been heretofore divided, so as to enable each to administer to the suitor complete, instead of partial and imperfect justice.

That the practical working of this beneficial change would be greatly promoted, if the courts themselves were brought into juxtaposition, so as to facilitate and give opportunities for intercommunication between the judges and the bar of the respective courts of common law and equity.

That a very large amount of important business, arising in the ordinary course of suits, and essential to their due and orderly progress, or growing out of the exercise by the Court of Chancery of its administrative functions, is daily transacted in the chambers of the judges, and in the various offices connected with the courts, but that these offices are, for the most part, situated in different localities, and are widely scattered and separated, both from the courts to which they respectively belong, and from each other.

That the result of this separation is enormous waste of time to the practitioners, and the unavoidable delegation to clerks of business which ought to be, and but for such separation might and would be, performed by the principals themselves.

That waste of time to the practitioners is, in other words, and in its practical effect, delay to the suitors, and increased expense in the prosecution of their rights, and the transaction of their business.

That the concentration of all the courts of law and equity, and the various offices connected therewith, in some convenient and central situation, in the neighbourhood of the inns of court, would prevent this waste of time and money, would promote

economy and efficiency in the administration of justice, and would assist and develope the practical working of those changes, which have had for their object the simplification of what is complex, and the consolidation of what has been needlessly separated and divided.

That your petitioners suggest, as a suitable site for such new courts and offices, a piece of ground situate between the Strand on the south, and Carey-street on the north, and extending from Chancery-lane on the east, towards Clement's-inn on the west, comprising an area of between seven or eight acres, and affording ample space for the erection of suitable buildings, with all requisite accommodation for the judges, the bar, the practitioners of the various courts, as well as the suitors and the public, and for the transaction of the business of the courts.

That this piece of ground, which is in the very centre of the metropolis, in the immediate neighbourhood of all the inns of court, and most conveniently accessible, is now covered by wretched courts and alleys, and by buildings of a very inferior description, the removal of which would be, in itself, a great public advantage, besides affording the opportunity for effecting a magnificent architectural improvement.

That these great objects may be effected without imposing any pecuniary burthen on the public, by the application of an existing fund, ample in amount, and which, your petitioners submit, is entirely at the disposal of Parliament, and may be legitimately applied for such a purpose.

That the fund thus referred to amounts to upwards of £1,200,000 three per cent. Consols., now standing in the name of the Accountant-General of the Court of Chancery, and forming part of a larger fund, popularly known as the "Suitors' Fund."

That the portion of the "Suitors' Fund" which your petitioners suggest should be made available for the objects desired does not, however, belong to the suitors of the court, and never can be claimed by them, or any of them—as it consists, simply, of the accumulated interest or profit made by the State, by the employment, from time to time, on its own account, of cash deposited by the suitors with the Accountant-General of the Court of Chancery, and not required by such suitors to be laid out in the purchase of stock, and which cash, if not so employed by the State, would have lain idle in the Bank of England.

That the fund in question has been gradually accumulating, under the provisions of various Acts of the Legislature, for upwards of a century, during which time no attempt has been made by or on behalf of any of the suitors of the court to claim any interest whatever therein.

That the Legislature has repeatedly dealt with portions of this fund, for purposes similar to that to which your petitioners submit that the residue thereof, or a sufficient portion of such residue, should be now applied—large sums having been from time to time taken therefrom, and applied to the erection of courts and offices, under the authority of Acts of Parliament passed for such purposes.

That the erection of the proposed new courts and offices will effect a considerable annual saving in rents paid for various scattered buildings, in which the business of the courts is now carried on, and in addition thereto, various buildings now used as offices attached to the courts may either be sold or let, at rents producing a large annual revenue.

Your petitioners, therefore, humbly pray that your Honourable House will be pleased to take into consideration the existing evils and inconveniences arising from the defective and dispersed state of the superior courts of law and equity, and the offices connected therewith, and adopt such measures for the correction of those evils as to your wisdom may seem meet.

And your petitioners will ever pray, &c.

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## TITLES IN SOUTH AUSTRALIA.

(From the *Spectator*.)

Ireland has had the start of England in law reform; the West Indies, as we showed last week, have facilities for disencumbering estates, which we do not possess; and South Australia has possessed since the beginning of last year a new law relating to the titles and transfer of property in land. The provisions of this last-mentioned reform of the law are remarkable, and well worthy the attention of English legislators.

The colony of South Australia, it seems, was in a position which made this reform especially desirable. More than any other of our colonies it has a numerous yeoman proprietary. In fact, it has a greater number of landed proprietors in proportion to population than any country in the world except France; with this difference, that in place of the French holdings of four or five acres, the South Australian proprietor cultivates farms of from eighty to a hundred acres. In the early days of the colonies, these properties changed hands in a hurried and irregular manner; consequently a large portion of the property in the colony was held by men having titles either radically defective, or titles good enough for possession, but not good enough for sale. An immense mass of deeds affecting the lands had accumulated. In the Registry Office at Adelaide there were 70,000 deeds, in relation, it must be remembered, to the property of a population of 110,000; and this was irrespective of land grants and deeds executed prior to the passing of the Registration Act. In fact, the documents relating to the land were calculated to equal the whole population. The law as to the transfer of land was naturally a simple importation of the English law; the same careful and expensive examination of the abstract of title, and of all the documents supporting it, by a solicitor or conveyancer; and the same examination, tedious and uncertain, from the multiplicity of documents to be gone through again and again, whenever any transaction took place affecting the property in the land. It must also be well borne in mind, that no process of this kind, however costly and complete, is final. The title may be thoroughly investigated to-day by one solicitor, who traces it back through mortgage-deeds, releases, conveyances, settlements, and wills, perhaps, even, as in South Australia, to a grant from the Crown, and finds all good; but should a new transaction be proposed to-morrow, the intending purchaser or mortgagee, or other person about to be interested, is obliged to have the same process of examining abstracts of title, mortgage-deeds, releases, conveyances, settlements, wills, again gone through by his own solicitor. This state of the law, which we endure in England with comparative patience, was felt keenly in South Australia, and the colonists, freer, perhaps, from old prejudices than their English fathers, and naturally bolder in a new land, determined to reform it. An Act, assented to in the beginning of last year, took up the old system, and reformed it altogether. The following is, therefore, the present state of the law in South Australia, as to the purchase or transfer of property in land:—

1. A purchaser direct from the Crown receives, as before, a land-grant which gives him an indefeasible title recorded in one document. 2. A purchaser buying land from one who holds this land-grant obtains the transfer by going to the Registry Office, where the vendor surrenders his land-grant, which is destroyed, and a new land-grant is made out to this *second* purchaser, who thus holds direct from the Crown, and has an indefeasible title recorded in *one* document. If the purchaser wishes only to buy part of the property included in the original land-grant, that document is, notwithstanding, destroyed, and two new land-grants are made out, one to the purchaser for the part to be transferred, and the other to the vendor for the balance of his original holding. 3. A purchaser buying land from a person who holds not a land-grant, but a derivative title under a will, insolvency, mortgage, settlement, or incumbrance, must submit to certain investigations which are necessary lest wrong should be done to any of the parties interested in the estate. In these cases the intending vendor lays before the registrar all documents affecting the title to the property, and if on examination the title be apparently good, the registrar, through the Land Titles Commissioners, gives public notice of the intended transfer, so that all parties possibly interested may have opportunities of interposing, and at the expiration of a fixed time (not less than one month, not more than twelve months), if no caveat be entered, the transfer is effected. If, on examination, the commissioners find evidence that some of the parties interested are kept in the dark, a longer delay takes place (not less than two months, not more than three years), and more extended publicity is given to notices of the intended sale; or if the title be decidedly defective they can reject the application altogether. When after these precautions an estate is sold, the new purchaser receives as in the former case a land grant from the Crown, and thus acquires an indefeasible title recorded in *one* document. Here, in short, is the strong point of the scheme; it gives, instead of many an intricate document of the old law, a compact title behind which no man need look. In cases where land is transmitted by will, or intestacy, or marriage settlement, or the operation of insolvency or bankruptcy, or in any other way by due course of equity or law, the documents and proofs of such changes are submitted to the registrar, who examines them, issues advertisements if necessary, endorses the changes of ownership on the original land grant, and registers it in his book opposite the record of the original title.

It will be naturally asked, suppose the commissioners, with

all their precautions, recognise in the wrong man the right to sell, and give an indefeasible title to a purchaser who has paid money to this wrong man and not to the right owner: what remedy has the right owner? His remedy is, in the first place, against the wrongful vendor of the land, and, should that fail in affording him compensation, he is, by a very remarkable provision, to obtain the full value of the land out of a fund accruing from a small per-centage on all estates which have come under the operation of the Act. But this does not affect the bonâ fide purchaser, who still holds his indefeasible title recorded in one document. In cases where this document is stolen, the registrar prosecutes the wrongful holder; and no transaction can take place on a document lost or stolen, as all sales must be effected through the registrar.

So far, the Act regulates the complete transfer and devolution of property in land. In cases of transactions affecting the property only by way of mortgage or encumbrance, all bills of mortgage or encumbrance—drawn according to simple specified forms—are registered in the same book in which the title itself is registered. By that means there is found opposite the title of each property memoranda briefly describing the encumbrances which affect it. Any mortgage or encumbrance not registered is treated as non-existent. In cases where an estate less than an estate in fee-simple is transferred, a memorandum of the transfer is registered, and the certificate of such registry is a valid title of the holder to such limited estate.

## Parliament and Legislation.

### HOUSE OF LORDS.

*Friday, Feb. 25.*

#### OCCASIONAL FORM OF PRAYER.

This Bill was read a second time.

*Thursday, Mar. 3.*

Earl GREY asked a question respecting a trial at Hong Kong, for libel on a Government official, in which a verdict was returned for the defendant, who was the editor of a newspaper.

The Earl of CARNARVON said, the trial referred to formed part of a much larger question connected with the suspension of the Attorney-General at Hong-Kong. The papers on the subject already received weighed in the gross 11lb. There was still a continual stream of communication from Mr. Chisholm Anstey, the Attorney-General, by every mail, and each fresh arrival opened up new points. Mr. Anstey had in his seat in the Legislative Council brought grave and serious charges against a public officer, which affected not only his character, but the character of his wife. Mr. Anstey had been required to substantiate those charges, and had given in a paper reducing them under different heads. The prosecution for libel was simply a fraction of a greater case which was under the consideration of the Colonial Office, and he could not express any opinion upon a part while the whole remained undecided.

*Tuesday, Mar. 1.*

#### VEXATIOUS INDICTMENTS BILL.

Lord CAMPBELL, in moving the second reading, said, that the law had been grossly abused in regard to prosecution by indictment. It often happened that, without any notice whatever, a person had a bill of indictment preferred against him—the bill having been procured on ex parte evidence—and was brought to trial without any opportunity of having been previously heard. When the trial came on he might be able to show that there was no foundation for the charge against him, but this was not done without a very great amount of vexatious trouble and expense. In these cases the object of the prosecutors was to extort money and oppress the party accused. And what remedy had the person who was thus wrongly charged? He might bring an action against the accuser for malicious prosecution; but what satisfaction could that be for a false charge brought against a man of character? The offence of perjury was one of those with regard to which it was common to file a bill of indictment without going before a magistrate, and without giving any notice whatever to the person accused. Another was conspiracy. With regard to this offence it had been said that if two men blew their noses together in a church they might be indicted for a conspiracy to disturb the congregation. Nothing was easier than to trump up charges of conspiracy, and grand juries, he was very sorry to say, were too ready, especially at quarter sessions, to lend their ears to such charges. In the case of obtaining money under false pretences, the real point usually was whether a bargain had been properly carried out or not. The purchaser, however, indicted the seller for having obtained money under false pretences, and the seller indicted the purchaser for obtaining goods in the same way. What he proposed to remedy this evil was, that prosecutors for perjury, conspiracy, and obtaining money on false pretences, should not be permitted to prefer a bill of indictment against an individual till they had first gone before a magistrate, in order to have the matter fully investigated. He proposed, also, that the prosecutor should be bound to obtain the consent in writing of the Attorney or Solicitor-General before he could file a bill of indictment against any person.

The LORD CHANCELLOR approved in every respect of the Bill, regretting only that it did not go sufficiently far. He could add his own experience as to the scandalous abuses arising from persons resorting to grand juries and perverting the process of indictment for purposes of malice and oppression. The Lord Chief Justice would remember a case tried in 1853, in which a Mr. Mellersh, a most respectable solicitor at Godalming, was a party. He had been defendant in a Chancery suit; and the plaintiff, from circumstances which occurred at the hearing of that suit, afterwards chose to prefer an indictment against him for perjury. The prosecutor first of all presented three bills before a grand jury for perjury, which were thrown out. Failing in that experiment, he presented a bill for conspiracy against Mr. Mellersh, which was also thrown out. He persevered, went before another grand jury, and obtained their consent to the finding of two bills for perjury and one for conspiracy. He then obtained a warrant for the arrest of Mr. Mellersh, intending to apprehend him on a Saturday, and to bring him to London, so as to prevent his putting in bail until the Monday. Mr. Mellersh had timely notice of this proceeding, evaded his apprehension on the Saturday, and came to London and put in bail on the Monday. The case as to one of the indictments came on for trial before the Lord Chief Justice, the result being that Mr. Mellersh was acquitted almost with acclamation, and the two other indictments were abandoned. That was one case. He (the Lord Chancellor) would mention another, which was that of an unfortunate French Canadian, a stranger in this country, who had an indictment preferred against him for keeping a gaming-house. He could not obtain bail, and was imprisoned for six months; at last an application was made to the Court of Queen's Bench for his release. There were three names on the back of the indictment, none of which he knew. One name was that of a person named Hare, a solicitor. There was only one solicitor named Hare in the "Law List," and, on application being made to him, he said he knew nothing about the matter. Under those circumstances the party was immediately released. The third instance was that of a lady residing in Bolton-row, who was indicted for keeping a house of ill-fame. She had always had the most respectable lodgers in her house. She attended at the Central Criminal Court to answer the indictment, and her landlord was there also, and gave evidence as to the respectable character of the house. No prosecutor made his appearance, and the result was an acquittal. His noble and learned friend would observe that his Bill would not apply to the last two cases he (the Lord Chancellor) had mentioned; and therefore he had ventured to say that it did not go sufficiently far, and embrace all the cases of indictment that might be used for the purpose of extortion. Of course, if a party was guilty, his desire was to communicate with the prosecutor and buy him off; so justice was defeated; and it was desirable in every case where there was a criminal accusation that it should be publicly heard. He would extend the Bill to every criminal court, and compel parties always to go before a magistrate. But, supposing the House should be inclined to go that length, then arose the question of the propriety of continuing the grand jury system, at least within the metropolitan district. How did the grand jury system work at present? A party was accused before a magistrate, who conducted his inquiry in public, and, having ascertained that there was sufficient evidence to warrant further inquiry, sent the accused for trial. It might naturally be expected that the trial would take place without any further preliminary examination, but instead of that the case was taken before an irresponsible body, sitting in a secret chamber, probably quite unaccustomed to legal proceedings, and they determined whether there should be any further trial. A few days since he had been told by his learned friend who presided at the Middlesex Sessions, that in three cases where the grand jury had thrown out the bills he had examined the depositions, and found that they were not only sufficient to justify a further trial, but even to secure convictions. In one instance he directed a fresh bill to be presented, which was returned found by the grand jury, and the man was

convicted. In another remarkable case one bill was ignored by the grand jury, but a second being presented and found, the accused at once pleaded guilty of the offence. Under those circumstances he thought their Lordships would agree that it was desirable to abolish grand juries, at least within the metropolitan districts.

DEBTOR AND CREDITOR BILL.

Lord ST. LEONARDS opposed the second reading. There was a natural difference between bankruptcy and insolvency, which could not be abrogated. The commission appointed on the subject reported in favour of abolishing class certificates; but a large class of merchants wished to retain them. He thought the law regarding insolvent clergymen required attention.

Lord CAMPBELL suggested a reference of the Bill to a select committee.

The LORD CHANCELLOR declined this course; the leading principles of the measure could be better discussed in the House than before any select committee.

Lord BROUGHAM urged the select committee. The abolition of the official assignee would lead to as great mischief as those which existed before the change in 1831. Imprisonment for debt should be awarded for fraud, recklessness, and refusal to do necessary acts in the bankruptcy, but not for simple inability to pay his debts. He wished the same powers of imprisonment now exercised by the commissioners in insolvency to be given to the bankruptcy commissioners.

Lord OVERSTONE was in favour of a select committee. He disapproved of the provisions giving to creditors the power of winding up the estate in their own way, which should be in the hands of a public officer. The Bill was retrograde alike in principle and in practice.

After some observations from Lords CRANWORTH and WENSLEYDALE,

The Lord CHANCELLOR defended the Bill at some length, showing that the petition from 4000 merchants and bankers asking for a full control of the bankruptcy by the creditors in the place of the official assignee, was a sufficient answer to most of the objections. If evidence were taken before a select committee, no Bill could pass that session.

The Bill was read a second time.

## HOUSE OF COMMONS.

*Friday, Feb.* 25.

NEW MEMBER.

The Hon. F. H. CALTHORPE took the oaths and his seat for East Worcestershire, after the return had been amended; it having described him as returned for the "county of Worcester.'

TENANT RIGHT.

Mr. KIRK asked the Attorney-General for Ireland whether it was his intention to bring in a Bill for the amendment of the law of landlord and tenant in Ireland; and if so, about what time he would be prepared to lay it on the table of the House.

Mr. WHITESIDE said, a Bill had been prepared on the subject, and when the Bills already before the House relating to Ireland had been disposed of, he should be ready to introduce it.

CONSOLIDATION OF THE IRISH STATUTES.

In answer to Mr. DOBBS,

Mr. WHITESIDE said, it had been determined that there should be one set of consolidated statutes for England and Ireland, and the Attorney-General for England was ready to bring in Bills with that object whenever the pressure of business would allow.

THE COUNTY PRISONS (IRELAND) BILL

Was read a second time.

*Monday, Feb.* 28.

After the introduction of the Reform Bill by the Chancellor of the Exchequer,

THE LANDED ESTATES AND REGISTRY BILLS

Were read a second time pro formâ, the discussion to be raised in committee.

MEDICAL ACT AMENDMENT BILL

Passed through committee.

BURIAL PLACES BILL

Read a third time and passed.

The following gentlemen were nominated as the select committee on the Lunacy Laws:—Mr. Tite, Sir George Grey, Mr. Secretary Walpole, Mr. Whitbread, Mr. Drummond, Sir Erskine Perry, Colonel Clifford, Mr. Briscoe, Mr. Kendall, Mr. Horsman, Mr. Rolt, Mr. M. Milnes, Mr. Nisbett, Mr. Coningham, and Mr. Kekewich.

*Tuesday, Mar.* 1.

PETITIONS OF RIGHT.

Mr. BOVILL, in moving for leave to bring in a Bill to amend the law relating to petitions of right, said, that the only mode by which a subject could obtain redress in a matter between the Crown and the subject was by a petition of right, which was presented to the Home Secretary, and referred by him to the law officers of the Crown. If the claim for redress were made out, the petition passed from the Home Secretary and obtained the sign manual of the Queen, with the words, "Let right be done." This fiat acted as a reference to the Lord Chancellor, and a commission was thereupon issued, before whom the suppliant produced evidence at a great expense in support of his case. If the verdict of the commission was in his favour he was then in the position of an ordinary suitor commencing a suit. The whole expense previously incurred, and it amounted to some hundreds of pounds, was entirely thrown away. The Crown was then called upon to answer, and the suit commenced according to the ordinary forms applicable to the case. A jury were summoned, and the case was tried before the judge and jury. The result was that, if the claim were for less than £1000, the suitor was out of pocket, and no one would embark in litigation to enforce his claims against the Crown unless he had a claim amounting to £2000 or £3000. The mode in which he proposed to carry out an amendment of the law was not to allow a writ to be issued in the name of the sovereign, as in ordinary cases, but to preserve, as more consistent with the constitution, the form of the ancient petition of right, at the same time sweeping away all the other unnecessary and expensive forms of proceeding. He proposed to allow the petition to be presented and prosecuted in the form either of a Bill in Chancery or of a writ of declaration, the Attorney-General being called upon to answer it on the part of the Government. In that way delay and expense would be avoided; but, in order that there should not be frivolous and vexatious suits brought against the Government, his Bill provided that no person should be at liberty to present a petition of right until he had satisfied the judges of one of the superior courts that he had reasonable grounds for proceeding with his suit. If he were told that affording a simple remedy would encourage useless litigation, his answer was, that the penalty of having to pay the costs in the event of failure would deter persons from needlessly embarking in law proceedings. The change which he proposed was not without precedents.

*Thursday, March* 3.

REGISTERS OF TITLES (SCOTLAND.)

The LORD ADVOCATE, in reply to Mr. CAIRD, said, a Bill was in preparation for improving the registers of title to land in Scotland. Attention had been directed to a diminution of the costs of registration and search in Scotland.

SWEARING IN OF JEWISH MEMBERS.

Mr. DUNCOMBE moved for leave to introduce a Bill to make the resolution already twice passed, to allow the omission of the words "on the true faith of a Christian," a standing order of the House.

Mr. NEWDEGATE moved an amendment, requiring a day's notice to be given in the votes before any future resolution of a similar kind could be made.

After some discussion, the amendment was withdrawn, the original motion negatived, and a motion by Mr. Walpole, for the appointment of a select committee to consider the best mode of carrying out the provision of 21 & 22 Vict. c. 49, was unanimously passed.

COUNTY COURTS.

Sir S. NORTHCOTE introduced a Bill to repeal the 32nd section of the County Courts Acts, 9 & 10 Vict. c. 95, and explained that that clause had reserved the jurisdiction of certain officers of the City of Westminster and Borough of Southwark, and that the deaths of two of these officers, which had occurred lately, had afforded an opportunity for the introduction of this measure.

MARRIAGE LAW AMENDMENT BILL

Was read a third time and passed, by a majority of 137 to 89.

LAW OF PROPERTY AND TRUSTEES AMENDMENT BILL.

This Bill was read a second time.

THE MANOR COURTS (IRELAND) BILL

Passed through committee.

*Wednesday, March 2.*

REAL ESTATE INTESTACY.

Mr. LOCKE KING moved the second reading of this Bill. It did not interfere with settlements, and therefore did not touch large landed estates. It relieved a class of small proprietors, who were ill acquainted with law, and there was a strong feeling in the middle class, who thought the present rule injurious.

Mr. MELLOR supported the Bill. He dwelt upon the evils resulting from the existing law, which often defeated the intentions of proprietors of landed property towards their families. It in no respect interfered with the right of a man to limit the succession as he pleased, nor would it lead to other alterations of the law, which it modified only on principles of morality and justice.

Mr. HENLEY, in opposing the Bill, insisted that it would have a cruel effect upon the lower classes of landowners. The higher and middle classes could take care of themselves; but, as not one in a hundred of the owners of cottage property made a will, such property would often, under this Bill, pass away from the family.

Sir G. LEWIS observed, that the effect of the proposed alteration of the law would not be limited to cottage property; it would completely alter the whole customs of the country with respect to the devolution of landed property. It was, therefore, necessary to consider, not only the economical, but the political consequences of the division of such property, and the abolition of the idea of an "heir-at-law." Much, he was aware, might be said as to the convenience of a system of a division of landed property; but, looking to the connexion of our custom of landed tenures with the constitution, he was not prepared to consent to the second reading of this Bill.

The SOLICITOR-GENERAL said, those who proposed so grave and important an alteration of the law were bound to show that there was a strong desire for a change of the law, that the law occasioned hardship, and that the proposed change was consistent with expediency and sound policy. He thought that the parties interested in this subject were satisfied with the law as it stood; and that, unless in exceptional cases, it inflicted no practical hardship. The existing law had produced a state of social circumstances justifying the law, which harmonized with an hereditary monarchy and an hereditary peerage; tended to keep up a class distinct from the aristocracy of mere wealth, and that produced by successful commercial enterprise; favoured the agriculture of the country; and kept families together by a headship, while it stimulated younger brothers to emulation and parents to exertion, in order to make provision for the younger branches of the family. In pointing out the evils that would result from the proposed change, he urged that it would be impossible to stop there; the Legislature must go further, and perhaps fulfil the predictions of Count Montalembert.

Mr. LOWE remarked, that in this discussion both sides had indulged in exaggeration. This was not a question of great public policy; the question was, when the law had to make a will for a man, what kind of will, standing in his place, it ought to make for him. The views of the landed interest, he maintained, ought not to decide the question, any more than those of the commercial or any other interest. It ought to make such a will as the man himself, supposing him to be a good, prudent, and wise man, would have made; and he contended that our present law did not make such a will for the distribution of landed property.

The ATTORNEY-GENERAL said, the passing of this measure would be a legislative declaration that it was the duty of every honest, prudent, and wise man to divide his real estate by will among his children.

Lord PALMERSTON objected to the measure upon every possible ground.

The Bill was lost by 271 to 76.

CONVEYANCE OF VOTERS BILL.

This Bill was read a second time, on the motion of Mr. COLLIER, by 172 to 153.

Mr. EDWIN JAMES, Mr. HEADLAM, and Lord JOHN RUSSELL, supported it; Mr. HUNT and Sir JOHN PAKINGTON opposed.

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ADULTERATION OF FOOD BILL.—Mr. Scholefield, M.P., has revived his useful Bill "for Preventing the Adulteration of Articles of Food or Drink." It imposes a penalty of so many pounds (not yet fixed) on every person vending or exposing for sale any article of food or drink with which, to the knowledge of such person, any noxious ingredient has been mixed. More than this, the offender will be, so to speak, pilloried, to the utter ruin of his reputation, by the publication of his name, residence, and offence (at his own expense), in the newspapers or otherwise, at the discretion of the magistrates. Vestries and district boards and town councils are authorised to appoint analysts, such as Dr. Hassall—that is to say, men possessing competent medical, chemical, and microscopical knowledge. Purchasers of provisions may have their purchases (of food and drink) analysed by the officials on payment of a fee of 2*s.* 6*d.* to 10*s.* 6*d.*, and the certificate of the analyst will be made evidence against the fraudulent vendor. The Privy Council is empowered to cause analyses to be made, and to regulate the use of materials or ingredients distinct from the natural composition of any article of food or drink with which it may be mixed. Thus chicory, used to adulterate coffee; cocculus indicus and treacle, used by brewers to adulterate porter; red lead, used to make "cayenne pepper;" vitriol, used to counterfeit acetic acid, or vinegar; and logwood, used in the manufacture of "port wine," would naturally come within this category. The Act is not to extend to either of the sister kingdoms.

EXPENSES OF HIGH SHERIFFS.—A Bill of Mr. Darby Griffith, M.P., Mr. Sclater Booth, M.P., and Mr. Adams, M.P., relieves high sheriffs from the necessity of giving fees to judges of assize, their officers, and the keepers of jails, and others, who now levy black mail upon them in this peculiar form. Neither will the high sheriff be required (as now) to provide a retinue of "javelin men" and trumpeters for the preservation of order at assizes, the duty of keeping the peace on such occasions being made incumbent on the chief constable of police for the county. The Act will not affect the City of London nor the Universities of Oxford and Cambridge.

TRIAL BY JURY IN SCOTLAND.—A Bill of Mr. Dunlop, M.P., and Mr. Moncrieff, M.P., proposes to enact that if, after three hours' deliberation, nine of a jury in Scotland agree, a verdict may be returned by these nine. This Bill amends an Act now on the statute book, which requires a prior deliberation of six, instead of three, hours.

## The Provinces.

BIRMINGHAM.—The bankruptcy and insolvency laws were the subject of discussion in the Birmingham Chamber of Commerce, on Thursday night, Feb. 24. The following petition was unanimously adopted; and Mr. Spooner, M.P., chairman of the Council of the Chamber, was requested to present it to the House of Commons:—"To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled. The humble petition of the Chamber of Commerce for Birmingham and the Midland District showeth, That the present bankruptcy system in England is fraught with many and serious evils, which are felt by creditors to operate as a denial of justice, and have produced in the public mind feelings of general distrust and repugnance towards the court. That no reform in the system will be efficient or satisfactory unless it be based upon the following principles; namely—the abolition of the distinctions now made between bankruptcy and insolvency, and between trader and non-trader; the vesting the chief control of the non-judicial business in the hands of the creditors, and not in officials, as is the case in the bankruptcy system of Scotland; the reduction of the expenses, by transferring the compensation paid to the holders of abolished offices, and the salaries of commissioners and judicial officers of the court, from the Creditors' Funds to the Consolidated Fund, and by transferring from the court to the office of the assignees the business which is ministerial, and not judicial; a greater certainty of punishment of fraudulent debtors; and the distribution of the estates of deceased insolvents. That it is further essential to a satisfactory amendment of the bankruptcy law that all the existing statutes relating to it should be repealed, and that so much of their enactments as it is necessary to continue should be consolidated together with the new enactments in one statute. That the Bill now before your honourable House, 'To Amend and Consolidate the Laws relating to Bankruptcy and Insolvency,' entirely accords with the views of your petitioners. And your petitioners pray, &c.'

LANCASHIRE.—*Cost of Wapentake Law.*—During the past week, a solicitor from Burnley has had five bills of costs taxed in the Blackburn Wapentake Court. The amount to be recovered, in the whole of the five actions, was 3*l.* 15*s.*; none of them were defended, and the taxed costs amounted to £15 odd.—*Preston Guardian.*

LEEDS.—*Police and Undetected Crime.*—At a meeting of the Watch Committee, a sub-committee was appointed to investigate the numerous robberies which have recently occurred in Leeds, and the cause of the small number of detections. The

committee also, having considered the circumstances connected with the escape of the "lady" swindler from Leeds, arrived at the conclusion that the police system was very imperfectly organised, and they also reprimanded one of the office clerks for not having communicated to the Chief Constable or the detective officers the information of the attempted swindle as soon as possible after he received it.

LIVERPOOL BANKRUPTCY COURT.—*In re Wilcox.*—Mr. Commissioner Perry gave an elaborate judgment in the case of William Wilcox, late a rope-maker of Liverpool, refusing the bankrupt's certificate altogether. The bankrupt had been guilty of making a false entry in the cash-book with reference to a sum of £2000, which was entered as having been received at one time, whereas he had stated it to have been received at different times, as he required it—of a failure to account for the application of that sum—of a fraudulent increase of the debts due to the father—of fraudulent preferences—of continuing to trade longer than he was justified in doing—and of excessive personal expenditure. The bankrupt, according to his own statement, was about to stop payment in 1854, but Mr. Smith, the manager of the Borough Bank, to whom he owed £4000, offered him assistance, to enable him to go on, and the result was, that in 1857, when his connexion with the Bank ceased, his debt was £20,000, besides which the Bank held bills of his customers to the amount of more than £24,000.

*Borough Sessions.*—In charging the grand jury, the Deputy-Recorder, Mr. J. B. Aspinall, said, it had been intimated to him, and he believed it would be the case, that there would be several bills presented to them in cases which did not go before the magistrates. It was in some degree more important that the grand jury should take some care in investigating cases which had not been before the magistrates. Those bills, he understood, would relate to a class of houses and establishments where persons were allowed to congregate, it would be said, for immoral purposes, in a certain public thoroughfare in this town. He understood that several bills of that class would be preferred before them. The grand jury would be the best judges whether they ought to find those bills or not; but he would point out the class of evidence which he thought they ought to require, to put the matter into a course of investigation. If they should find, in any case of this description, that it was proved the place—whether kept nominally for the purpose of refreshment, or for the purpose of dancing, or any other amusement—was solely frequented by persons of immoral character, and if they should be led to believe, by the evidence, that those persons were brought there for an immoral purpose, although that immoral purpose might not be carried out upon the premises—if the place, in fact, amounted to a disorderly house, he should recommend them upon that ground to find the bills, without pledging himself to any opinion as to what the result of that finding might be. There was another point of view in which, also, they might be justified in finding bills against those parties. They would not be treated merely as disorderly houses; but there would be evidence offered to show that they were a grievous nuisance to the public passing the streets. At the recent assizes an indictment was actually preferred of a similar description, and in that case the learned judge laid down what appeared to be a common sense view—that, if a house, which might be perfectly innocent in itself, so far as what went on inside was concerned, was frequented by characters who habitually conducted themselves so as to be a nuisance in the public streets, it might be indicted as a nuisance. Unless there was a case of considerable gravity, he did not think these were inquiries which should proceed further than the comparatively private inquiry held before the grand jury. It was, however, a question of considerable importance. There had been other attempts to deal with these houses in other ways; people might have different opinions as to the value of such proceedings, but the simple question for them would be, to consider whether there was a primâ facie case made out of offence against the law. They would also have before them a heavy case of robbery which took place by a prostitute, in the very street in which these establishments existed. He did not mean to say it followed they had any connexion; but, if they found a number of robberies committed in that neighbourhood, it might throw some light on the question as to the importance of undertaking these proceedings. He did not think they would have any difficulty on the subject.—*Liverpool Albion.*

SOMERSETSHIRE.—*A Magistrate convicting himself.*—At the close of the petty session at Kilmarsdon, last week, Robert Bray, who had been fined 1*s.* and costs for not having his name properly painted on his cart, applied to the bench for a summons against the then presiding magistrate, the Rev. T. R. Jolliffe, stating that the rev. gentleman's waggon had just passed on the turnpike-road, but his Christian and surname were not painted at the length required by the statute, but merely the initials. Mr. Jolliffe, having taken down the applicant's statement, said, he would consent to the case being decided then, if Bray had no objection, without a summons. The evidence was then taken, and the rev. gentleman fined 1*s.* and costs, a similar fine to that of Bray's. Bray received half the fine, sixpence, and retired apparently much pleased.—*Bristol Mercury.*

SUNDERLAND.—*The Charge of Libel against Mr. Summers.*—On Saturday, at the Police Court, Mr. Thomas Burn, solicitor, applied to the magistrates to have the recognisances of Mr. J. W. Summers to appear at the Durham assizes, on a charge of libel, withheld. Mr. Burn stated, that since the case was before the magistrates Mr. Summers had made a very ample apology to him, and retracted the charges made in the letters. He was quite satisfied with the apology, and wished the magistrates to give their consent for the recognisances to be withheld. The following letter of apology was read:—"Sunderland, 26th February, 1859.—Mr. T. Burn, Sir,—When I wrote to you the letter dated the 4th Sept., 1858, and to Mr. Trewhitt the letter dated the 9th Sept., 1858 (for which conduct you have instituted a prosecution against me), I was under the impression that the contents of my letters were true. I now, however, find that such is not the case; but that the charges contained in those letters are utterly groundless. I have therefore to express to you, and I do so most unhesitatingly and unreservedly, my retractation of such charges, and that I extremely regret I should have caused you any pain or annoyance in connection with the matters alluded to. I am, sir, your obedient servant, J. W. SUMMERS."—The ex-Mayor, who was one of the committing magistrates, expressed his willingness to consent to the application.

## Ireland.

DUBLIN, THURSDAY.

### THE SOLICITOR-GENERAL'S LAND TRANSFER AND REGISTRY BILLS.

The objections which have hitherto been raised against the Solicitor-General's very important Bills appear to be of two kinds. Some persons think that the scheme does not go far enough; while others consider that it proceeds to very dangerous lengths. It has been asked by an objector of the former kind, why titles to estates held in fee, and no others, are to be investigated by the projected "Landed Estates Court?" why life estates, and other partial interests, may not also be placed within the jurisdiction of that Court? The answer appears to suggest itself immediately. The Landed Estate Court is, as far as England is concerned, an experiment; and it is highly prudent and reasonable that new and experimental machinery should be first applied to the class of properties in which the ownership is most complete, in which the applicant's title is most easily demonstrated, and in which no persons under disability are interested. A legal contemporary has intimated an opinion that, as recourse to the proposed Court will be more or less productive of expense and delay, there will be little work for it to do. If this surmise be well founded, the Court will at least prove innocuous. It would, surely, be worth while to try the experiment, were it merely to prove to the numerous expectant landowners in either House of Parliament who desire to procure for their English estates the advantages of title enjoyed by their Irish estates, that the system, successful on the west, cannot be introduced on the east side of the Channel. Undoubtedly, nothing but a fair trial will persuade them that such is the fact. If they have set their minds on trying the experiment, let the experiment be made; and by gratifying a harmless fancy, let us be relieved from further uncertainty, and from periodical discussions of the question. By all means let the political party most closely allied to the landowners establish their Court, and let it, if it must, prove a failure! It cannot, then, be said that a revolutionary measure has been forced on them, for their detriment, and in defiance of their wishes. The Court is only to act at the instance of those who voluntarily seek its aid; and they themselves are to bear the cost. It is, surely, unfair to deny such reasonable indulgence to those who ask for it, and are to pay for it.

Mr. Webster, who is more conversant with the subject than are most men, takes exception to the proposal to establish a Landed Estates Court on a very singular ground. The judge or registrar ought, he thinks, to rank with a Vice-Chancellor, although entrusted with but few judicial duties. To this and

the like objections the answer is—small beginnings are the best. If the Court is much resorted to, it can be elevated in rank and enlarged in dimensions. Otherwise, the smaller the scale, the better for all parties. On the whole, however, few objections have been started to the first of these Bills. It is felt that the Legislature can no longer justly deny to owners of land in England the privileges which have for several years been safely and largely enjoyed in Ireland, under a precisely similar system of real property law. The weight of the objections raised both by Mr. Webster and by others who have taken exception to the Solicitor-General's measures falls upon the second Bill—that for establishing a registry of landed estates. That being the case, we may decline to treat the measures as one and indivisible. The two are not necessarily connected, and, therefore, can reasonably be treated in different ways. One Bill might be passed, and the other might stand over for further consideration. In Ireland a Landed Estates Court flourishes, without any "Registry of Title" to supplement it. The process of again transferring land is very simple, though perhaps less simple than it might be were the Solicitor-General's scheme carried out in its entirety. When the person to whom a conveyance has been granted by the Court wishes to sell, he has to deduce title from the date of the statutable conveyance down to the present time, in the usual way. It is true that in this way, the lapse of every year takes away something from the clearness of the title; and after a time it again becomes clouded over. But the old remedy subsists, and may be again resorted to. Any owner who wishes another renovation of title, simply puts the estate through the Court again. The expense and delay of so doing a second time are, from the very nature of the case, very much smaller on any subsequent occasion, for but a few years' title has to be made out. We do not doubt that under some well-considered plan, means might, and ultimately will, be devised of keeping clear a title, which by the operation of the Court has been once made clear. But there is no established precedent—no satisfactory analogy to work upon. This is the weak point of the Registry of Title Bill; and giving it all the praise to which it is justly entitled, we confess that it would be very satisfactory were it postponed for a session, in order that its details and probable results might be more fully and carefully considered.

## COURT OF PROBATE.—*Feb.* 24.

(Before Judge KEATINGE.)

At the sitting of the Court Dr. *Darley*, Q.C., applied to his Lordship to appoint Mr. James Gell, commissioner extraordinary for taking affidavits for that court for the Isle of Man.

Counsel read an affidavit of Mr. Gell, setting forth that he had a practice as an advocate at Castletown, Isle of Man, and that the appointment of a master extraordinary would be a great convenience to the inhabitants of the isle, they being obliged at present, when it was requisite for them to make affidavits, to go to either Liverpool or Dublin.

Dr. *Darley* then read other affidavits, detailing the necessity for a commissioner, and vouching for the respectability of the applicant.

Judge KEATINGE said, he had no doubt as to the respectability of the gentleman, but he did not think that he had power to appoint a commissioner extraordinary for taking affidavits for any place out of Ireland. That was an omission in the Act, and it had only been as yet remedied in the English amended Act.

# Societies and Institutions.

## LAW AMENDMENT SOCIETY.

The discussion on the Lord Chancellor's Debtor and Creditor Bill, and Lord John Russell's Bankruptcy Bill, was resumed on Monday evening.

Mr. HARRIS, with reference to the question of local jurisdiction, proposed that the registrars of the bankruptcy courts should sit in the different towns where county courts were held. He did not think that the county courts would be fitted for winding up bankruptcies.

Mr. H. F. BRISTOWE moved that the consideration of the Bills then under discussion be referred to the Bankruptcy Committee. The Bill of Lord John Russell had been prepared in accordance with the opinions of a large portion of the mercantile community, and was certainly entitled to be treated with respect. The objection of Mr. Hawes, that mercantile men would never consent to the principles of the measure, could not, therefore, be maintained to the extent to which that gentleman had stated it. With regard to the question of official assignees, the object of the Bill was, that the creditors themselves should have the power of electing a representative—either the official assignee, or some other person. The points which, in addition to this, it would be proper for the committee to consider, were—the mode in which expense might be reduced; the propriety of dealing with the subject at once by consolidation; the adoption of the dead men's clauses; the abolition of the distinction between trader and non-trader; the arrangement clauses; the subject of local jurisdiction; and the mode in which fraud and other offences should be punished. On all these points the provisions in Lord John Russell's Bill had been prepared after much consideration; but he thought it would be of great importance that the committee should examine them, along with those contained in the Bill introduced by the Lord Chancellor.

Mr. Serjeant WOOLRYCH seconded the motion.

Mr. HASTINGS moved the resolutions of which he had given notice, as an amendment. On the subject of voluntary settlements, he was in favour of reducing the majority now requisite in the case of arrangements by deed, and of abolishing the provision requiring the debtor to give up all his property; and he thought great advantage would result from all arrangements being registered in the court, and giving it jurisdiction when it should be necessary in such cases. With regard to assimilating proceedings in court to those of a settlement out of court, the mercantile men, with whose opinions he was acquainted, considered it extremely desirable, both on account of the expense of the present system, and the officialism which pervaded it. On the question of local jurisdiction, he considered that this was necessary to prevent a denial of justice in cases of small bankruptcies which occurred at a distance from the district courts. The plan of giving jurisdiction to the county courts was not a new and untried one, but was in full operation in Scotland, where it was found to work most advantageously. The evils which arose in this country from the want of such a system were loudly complained of. He referred to Parliamentary returns, by which it appeared that, out of 2138 cases of bankruptcy there were 543 under £500 where no dividend had been paid.

Mr. REED was in favour of referring the Bills to the committee. As to voluntary settlements, he did not think the law should interfere; and he did not understand how settlements could be considered voluntary which Mr. Hastings proposed to make on a minority against their consent. With regard to the second resolution of Mr. Hastings, it seemed to be forgotten that creditors went to the Court of Bankruptcy only in cases where they could not settle the matter out of it, and that they went there with a different object from what they had in view in a mere private arrangement. They went there when the conduct of the bankrupt required investigation; when there were fraudulent preferences or family creditors. The trading community did not consider the expense of the Court of Bankruptcy as the greatest evil of the present system; they would willingly submit to greater expense, if the Court were adequate to the objects for which it was established. On the point of local facility for administering justice in bankruptcy, it ought to be remembered that the important consideration is where the creditors reside, and that it might be most inconvenient to take them to the locality of the debtor. With regard to the Bills now under discussion, he objected to them not so much for what was found in them, as for what was not found. The want of due facilities for making a trader a bankrupt—now much felt—was not supplied by either of the Bills. There ought to be something analogous to the proceedings under the Bills of Exchange Act, which would be a great improvement on the trader debtor summons. Fraudulent executions ought to be provided against, as had been done in the Joint Stock Companies Act, 1856. With respect to administration, the official assignees, as a body, had conducted their business to the satisfaction of the public. He thought, however, that, as their emoluments varied so much, from £5000 to £500, it would be advisable to put them on fixed salaries. He proposed that the Court of Appeal should consist of a certain number of commissioners. As to the six-seventh clauses, he did not think that arrangements under them should be brought into court; if it were necessary to come into court, they should be made cases of bankruptcy.

Mr. JOHNSON adverted to the immense expense caused by the compensations and salaries, and to the unsatisfactory manner in which recent bankruptcy legislation had been conducted.

Mr. S. MORLEY denied the charge that had been brought against commercial men, of desiring secrecy in cases of settlement with debtors. The expense of winding-up in bankruptcy

was so great that they were induced to keep out of court wherever it was possible. With respect to official assignees, traders desired the least amount of official interference. He was opposed to the system of class certificates, and he supported the plan of local jurisdiction. As to private arrangements, it was necessary that some means should exist for controlling a minority by a majority. He did not quite approve of either of the Bills now under consideration, but the provisions which they contained were deserving of every attention.

Mr. Vaughan considered that the objections urged against assignees elected by the creditors did not apply to them, as provided by the Bill of Lord John Russell, where the assignees were strictly watched and effectually checked. The question was, whether the system of election was not more suitable for creditors. They were the persons who have a right to have the bankruptcy wound up in what manner they thought best for their own interests; and they were the most competent judges as to whether it should be committed to an official assignee, or to some other person whom they thought better qualified. With regard to county courts, if the creditors found that it would be more economical to wind up the estate there, it was certainly desirable that they should have power to do so. The county court judges are now judges in insolvency; and he did not see why they could not deal with bankruptcy as well. He did not consider that the compensations and salaries were the cause of the formidable expense in bankruptcy; for after deducting them, what remained was enormous. The system of class certificates had been strongly condemned at the Mercantile Law Conference, in 1857.

Mr. Blundell stated that Mr. Carrick, an official assignee at Hull, who spoke at last meeting, had been misunderstood with regard to the amount of security given by official assignees. What Mr. Carrick meant was, that he and the other official assignees at Hull had given security for £12,000, which was £6000 for each. He (Mr. Blundell) felt bound to protest against giving jurisdiction in bankruptcy to the county court judges.

Mr. Sargood felt that, in this discussion they had not hitherto attained any practical result. What was the object with which the Bills were to be referred? They ought to lay down some principles to guide the committee. On three points he felt clear—that imprisonment for debt should not be abolished; that the distinction between traders and non-traders should not be removed; and that a certificate, freeing from all future liability, should not be applicable to persons not engaged in trade. He thought, also, that official assignees were essential in carrying on the business of bankruptcy and insolvency. As to giving jurisdiction to county courts, he demurred to the proposition. The business of bankruptcy and insolvency was a specialty; and however able in other respects the county court judges might be, they could not have the qualifications to deal with the subjects now proposed to be submitted to them. He had hoped that the meeting would have pronounced an opinion on these points, so that the committee might be enabled to consider the Bills with reference to certain principles.

Mr. Hawes stated that Mr. Hastings was under a mistake as to the cases under £500 in which no dividend had been paid. They were, no doubt, cases where the assets had been very small, or had been swallowed up by preferential claims. Both Bills, he considered, were bad, because they gave increased power to debtors to coerce the creditors, and tended to prevent the due punishment of fraudulent debtors. It was on this account that he had characterised them as retrograde.

Mr. Hastings withdrew his amendment.

The motion was put and carried, and the society adjourned to Monday, March 7th, at eight o'clock.

Mr. Edward Webster will, on Monday next, read a paper on the Landed Estates and Registry Bills now before the House of Commons. The necessity for increased facilities for the transfer of land, and of a registration system to keep the titles, once cleared, free from future complications, has been more than once affirmed by the society; and there can be little doubt that the principles enunciated by the Solicitor-General, in his speech introducing the measure, command general approval.

## Law Students' Journal.

### LAW SOCIETY'S LECTURES.

F. O. Haynes, Esq., on Equity; Monday, March 7, at 8 o'clock.

J. W. Smith, Esq., on Conveyancing; Friday, March 11, at 8 o'clock.

The Liquor Traffic.—*Permissive Prohibitory Bill.*—The following observations on this measure deserve attention, as coming from a very exemplary Irish judge, whose official duties have brought the evils of intemperance constantly before him. In charging a grand jury the other day, Judge Crampton said: "Modern legislation has introduced a system of law which is of a most valuable kind—I mean the system of permissive enactment. This kind of statute at once encourages self-government, and respects the principle of personal liberty. Of this we have several instances. I mention now only two. One of these is seen in the statutes which enable cities and towns to light and to pave their own streets, and to perform certain other acts for the convenience and comfort of the inhabitants, and for that purpose to lay a moderate rate upon the inhabitants of the district. It is left by these statutes in the power and at the option of the ratepayers to adopt or reject the application of this law, and the adoption or rejection of the measure to be determined by the votes of the majority of the ratepayers duly assembled for the purpose. No tyrant minority is allowed to control the will of the major part of the inhabitants. Another instance of a permissive enactment is, that one upon which I have before observed; viz. the act for the promotion and regulation of reformatory schools. These permissive statutes always suppose a previous voluntary movement by associated individuals before they can be made to act. I hail this principle as a valuable one, and I would apply it to a measure not yet brought before Parliament, though for some time before the public—a permissive Bill it has been termed, and one which I hope at a future period may become part of the law of the land. The measure to which I allude is a Bill about to be introduced into our Houses of Parliament, the object of which is to enable cities, and towns, and districts, at their option, to exclude spirituous liquors and the liquor traffic from their borders, upon terms and securities into the details of which I cannot enter. Such a Bill (like the Acts referred to before) infringes not upon personal liberty, and acknowledges the principle of self-government. If the inhabitants of any town or district choose to encourage or support the liquor trade with all its attendant evils, they can have their will; but if they choose to exclude the unhallowed traffic from their district, it shall be lawful for them so to do. The Bill is to act only on the previously recorded will of the inhabitants—and if that will be to exclude spirituous liquors and the traffic in them, the law will only promote and regulate the measure by which the vote of the majority may be advantageously carried out. If, like the wise North American Indian chiefs, we combine to exclude the fire-water from our towns and districts, we are sure—for this has been made matter of demonstration—to exclude with it numerically more, ay, much more, than a full half of the vices, sins, and miseries by which our land is flooded. When called upon, then, for our vote upon this vital subject, shall we be found to give it on the side of peace, order, morals, and religion, or shall we encourage and abet the liquor traffic, and incur the curse denounced by the Jewish prophet—'Woe unto him that giveth his neighbour drink; that puttest thy bottle to his mouth, and makest him drunken also?' It is every man's duty to be active in the coming struggle. Some of those who now hear me may live to see the day when the permissive Bill shall become a statute, and slavery to the despotism of strong drink shall be abolished by law."

Imprisonment for Debt in France.—An Englishman named Lorck was in June last lodged in the Debtors' Prison in the rue de Clichy for non-payment of a bill of 2,834 francs, run up at the Hôtel du Louvre. It may be remembered that a short time ago the Imperial Court decided that, under the law of 1848, relative to imprisonment for debt, the judgment ordering the arrest of a person for debt must fix the period for which he is to be detained, varying from six months to five years, and that when it omits to name the period the *minimum* of six months must be taken; in consequence of which it ordered a Wallachian gentleman who had been in prison more than six months, whose judgment did not say how long he was to be detained, to be set at liberty. On the strength of that decision Lorck on Saturday applied to the Civil Tribunal to order his release, the judgment sending him to prison not having fixed the period he was to be detained, and he having been in prison more than the *minimum* of six months. The tribunal decided, in spite of the opposition of the company of the Hôtel du Louvre, that the application was well founded, and that Lorck must at once be set at liberty. As, however, the proprietors of the Hôtel du Louvre have appealed, first, on the merits, and next on the ground that Lorck came to the hotel and passed himself off under a false name, he still remains confined in the Debtors' Prison.—*Galignani's Messenger.*

# Sheriffs, Under-Sheriffs, Deputies, and Agents, for 1859.

NOTE.—*Warrants are not granted in Town for those Places marked (*)—The Term of Office of the Sheriffs, &c., for Cities and Towns, expires on the 9th of November.*

Office Hours, in Term, from 11 till 4; and in Vacation, from 11 till 3.

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| *KINGSTON-UPON-HULL | Jeremiah Charles Pearson, Esq., Kingston-upon-Hull. | John T. Tenney, Esq., 16, Parliament-st., Kingston-upon-Hull. | None required. |
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| *RUTLANDSHIRE | E. H. C. Monckton, Esq., Seaton. | Benjamin Adam, Esq., Oakham. | Bell & Co., Bow Church-yard. |
| SHROPSHIRE | C. O. C. Pemberton, Esq., Millichope-pk. | William Salt, Esq., Shrewsbury. | Hawkins & Co., 2, New Boswell-court. |
| SOMERSETSHIRE | Edward Berkeley Napier, Esq., Penard-house, E. Pennard, Shepton Mallet. | John Nicholetts, Esq., South Petherton. | Dynes & Harvey, 61, Lincoln's-inn-fields. |
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NORTH WALES.

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| *DENBIGHSHIRE ..... | T. Lloyd Fitzhugh, Esq., Plas Power, Wrexham. | John Lewis, Esq., Wrexham. | R. Galland, Esq., 11, New Palace-yard, Westminster. |
| *FLINTSHIRE ..... | Philip W. Godsal, Esq., Iscoyd-park. | Arthur Troughton Roberts, Esq., Mold. | Simpson & Co., 62, Moorgate-street. |
| *MERIONETHSHIRE ..... | Hugh John Reveley, Esq., Brynygwin, Dolgelly. | William Griffith, Esq., Dolgelly. | Gray & Co., 20, Lincoln's-inn-fields. |
| *MONTGOMERYSHIRE .... | E. Morris, Esq., Berth Llwyd, Llanidloes. | Robert D. Harrison, Esq., Welshpool. | Gregory & Co., 1, Bedford-row. |

SOUTH WALES.

| | | | |
|---|---|---|---|
| *BRECONSHIRE .... ..... | John Maund, Esq., Duffryn Mawr. | Henry Maybery, Esq., Brecon. | Gregory & Co., 12, Clement's-inn. |
| CARDIGANSHIRE . ..... | William Price Lewes, Esq., Llysnewydd, near New Castle, Emlyn. | Benjamin Evans, Esq., New Castle, Emlyn. | Hawkins & Co., 2, New Boswell-court. |
| CARMARTHEN, Borough of | Ries Shankland, Esq., Carmarthen. | W. S. Thomas, Esq., Carmarthen. | Chilton & Co., 7, Chancery-lane. |
| CARMARTHENSHIRE ..... | R. Jennings, Esq., Gellydeg, Carmarthen | James Webb Jones, Esq., Carmarthen. | Poole & Co., 3, Gray's-inn-square. |
| *GLAMORGANSHIRE ..... | C. C. Williams, Esq., Roath-court, near Cardiff. | Thomas M. Dalton, Esq., Cardiff. | Loftus & Co., 10, New-inn. |
| *HAVERFORDWEST, Town of | J. Philips, Esq., Dew-st., Haverfordwest. | W. Davies, Esq., Spring-gardens, Haverfordwest. | T. H. Smith, Esq., 1, Frederick's-place, Old Jewry. |
| *PEMBROKESHIRE ..... | William Owen, Esq., Poyston. | W. Davies, Esq., Spring-gardens, Haverfordwest. | T. H. Smith, Esq., 1, Frederick's-place, Old Jewry. |
| *RADNORSHIRE ..... | J. W. Gibson Watt, Esq., Doldowlod. | R. W. Banks, Esq., Kington, Herefordshire. | Tatham & Co., 10, New-square, Lincoln's-inn. |

# Court Papers.

## Court of Chancery.

### DIRECTIONS TO SOLICITORS

*As to the Papers and Documents to be left on bespeaking Decrees or Orders in the Chancery Registrar's Office.*

DECREES.

Counsel's brief, and a print of the bill, with the reference to the record marked thereon, and the correct title of the cause, and the names of the guardians of any infant defendants inserted.

If any Admissions are to be entered as read.—The original paper of admissions signed by the parties or their solicitors must be left to be endorsed by the Registrar, and must be filed in the Report Office, before the order is left to be passed.

If a Memorandum of Service of Copy Bill on any of the Defendants has been entered.—The order to enter the memorandum, with the Record and Writ Clerk's certificate of the entry thereof, and of no appearance by the same defendants.

If a Traversing Note has been filed and the Defendant does not appear at the Hearing.—The Record and Writ Clerk's certificate that the note has been filed, an affidavit of service of a copy of the note, and of subpœna to hear judgment.

If the Bill has been taken Pro Confesso.—The order for the Record and Writ Clerk to attend at the hearing with the record of the bill, and all previous orders as to the contempt.

If any Affidavits have been read at the Hearing.—The office copies of such affidavits.

If any Documents have been proved at the Hearing Vivâ Voce or by Affidavit.—The order authorising them to be so proved, with the office copies of the affidavits (if any) and the documents proved.

ORDERS ON FURTHER CONSIDERATION.

Counsel's brief, the original decree and supplemental order (if any), or the order on further consideration reserving the further consideration on which the cause is heard, and any subsequent orders to revive or carry on proceedings, and the office copy of the chief clerk's certificate.

If a memorandum of Service of Copy Bill has been entered—A certificate of no appearance having been entered.

If the Order on Further Consideration deals with any Purchase-Money.—Consent brief for the purchaser, or affidavit of notice to him of the intended application of the purchase-money, or an affidavit that the conveyance to the purchaser has been duly executed.

ORDERS ON MOTIONS.

Counsel's brief, with his endorsement of the order made; the notice of motion (if any) annexed, and office copies of the affidavits, and the other evidence used on the hearing of the motion.

ORDERS ON PETITION.

The original petition and counsel's brief, with his endorsement of the order made, any evidence used on the hearing, and any decree, order, or office copy report, or certificate on which the petition is founded.

ORDERS UPON THE HEARING OF A PETITION UNDER THE SETTLED ESTATES ACT.

The newspapers containing the advertisement thereof, and any interlocutory orders that may have been made relating to such petition, and any other evidence used on the hearing.

ORDERS UNDER ACTS AUTHORISING PUBLIC WORKS.

Where the Order deals with any Money paid into Court by the Promoters of any Public Undertaking to the credit of such Undertaking not standing to any separate Account.—The Accountant-General's certificate of the payment into court of the sum sought to be dealt with, and also the Accountant-General's certificate of the fund in court to the credit of the undertaking; and, when the order directs the carrying over the money to a separate account, or payment of the same out of court to any person absolutely entitled thereto, an affidavit of the petitioner verifying the petition, and that he is not aware of any right in any other person or of any claim made by any other person to the sum of £ in the petition mentioned, or any part thereof, pursuant to the General Order of 4th July, 1849 (Seton, p. 663), and any other evidence used at the hearing.

ORDERS VACATING RECEIVERS' RECOGNISANCES.

An office copy of the receiver's recognisance from the office of the Clerk of Enrolments.

ORDER ABSOLUTE UNDER WINDING-UP ACTS.

The affidavit of the service of the petition, and the *London Gazette* and newspapers containing the advertisement thereof, and any evidence used on the hearing.

DECREES AND ORDERS DEALING WITH ANY FUND IN COURT.

Whenever any Fund in Court is to be dealt with.—The Accountant-General's certificate; and, if the funds are restrained by any order, the restraining order, or an office copy thereof.

Where payment out of Court is ordered to Executor or Administrator.—The probate or letters of administration.

IN ALL CASES OF NON-APPEARANCE

Of any Party or Persons served at the Hearing of any Cause, Motion for Decree, Matter, Petition, or Motion.—An affidavit of service on the party or person not appearing.

GENERALLY,

Any documents or evidence required to be produced to the Court should be left with the registrar on bespeaking the decree or order.

N.B.—Solicitors and their clerks on applying respecting orders made in any ex parte matter, are requested to inquire for the same by the title thereof as the same appeared in the Court Paper. Decrees and orders drawn up by the registrars will, when entered, be delivered to the solicitors having the carriage thereof, with his papers, by the clerks at the order of course seats, or by the assistant clerks to the registrars, instead of by the entering clerks as heretofore.

*The attention of the Solicitors is requested to the following Notices issued by the Registrars.*

NOTICE OF 30TH JANUARY, 1857.

Solicitors on bespeaking any decree or order (except orders on petition or summons) whereon the lower scale of fees of court is payable, are to leave with the papers a copy of the certificate for paying the lower scale of court fees, duly marked by the clerk of records and writs, and such certificate is to be annexed to any draft decree, and left therewith on bespeaking the engrossment thereof.

NOTICE OF 27TH FEBRUARY, 1858.

Solicitors are requested on leaving their papers at the registrars' seats for the purpose of drawing up any orders in causes or matter and causes commenced subsequently to the first day of Michaelmas Term, 1852, to furnish the registrars with the reference to the record required by the General Order of 30th November, 1855, either inscribed or stamped by some officer of the court upon any previous document in the cause, or inscribed upon the brief, and authenticated by the official seal of the Record and Writ Clerk's Office, or in the case of original decrees, verified by the entry in the cause books.

If the cause in which any order may be made was commenced prior to the first day of Michaelmas Term, 1852, the solicitor having the carriage of the order, or his clerk, is requested to endorse on the brief a memorandum or certificate to the following effect; that is to say—"I certify that this cause was commenced previously to the first day of Michaelmas Term, 1852,"—and to sign the same.

NOTICE OF 26TH FEBRUARY, 1859.

On and after the 1st March, 1859, when a fee of less than £3 is payable on any order, such fee will be payable by affixed stamps as well as impressed stamps; and, pursuant to the General Order of 1st August, 1856, the stamp affixed to the order is to be of an amount corresponding as nearly as practicable with the amount of the stamp which such order requires, so that no greater number of adhesive stamps may be affixed to the order than is actually necessary.

### RECORD AND WRIT CLERKS' OFFICE.

March 1, 1859.

The Clerks of Records and Writs have been instructed by the Master of the Rolls to draw the attention of the Commissioners appointed to administer Oaths in Chancery, and of the profession generally, to the following Orders of Court, which, although of ancient date, continue in force. And they are further instructed to require that these Orders are fairly and properly acted upon.

ORDER OF COURT,

*18th November*, 1660.

"It is further ordered, that no Master of this Court shall accept of or take the oath of any person to an affidavit except the same be fairly and *handsomely* writ *in one hand*,* without blotting or *interlining*; and in case any affidavit should escape the said Masters of the Court and pass so

* The requirements of the words in italics will not be strictly enforced.

blotted and *interlined* under their or any of their hands, it is further ordered that the Registrar of Affidavits or his deputy shall thereupon refuse the same, and that afterwards no use shall be thereof made in any the proceedings of this Court."

ORDER OF COURT,
18*th July*, 1666.

"The Master is not to receive or certify any affidavit unless the same be fairly and legibly written, without blotting or *interlineation of any word of substance*."*

The Clerks of Records and Writs take this opportunity of requesting that the Commissioners will not place their initials to any knife erasure, as no answer or affidavit containing any such erasure can be filed.

## Common Pleas.

### VACATION BUSINESS AT JUDGES' CHAMBERS.

March 1, 1859.

*The following Regulations for transacting the business at these Chambers will be strictly observed till further notice.* BY ORDER.

Original summonses only to be placed on the file and numbered.

Summonses adjourned by the Judge will be heard at half past ten o'clock precisely, according to their numbers on the Adjournment File, and those not on that file previous to the numbers of the day being called will be placed at the bottom of the General File.

Ex parte applications (except those upon affidavit) will be disposed of immediately after the adjourned summonses.

Summonses of the day will be called and numbered at ten minutes past eleven o'clock, and heard consecutively.

The parties on two summonses only will be allowed to attend in the Judge's Room at the same time.

Counsel at half-past one o'clock. The name of the cause to be put on the Counsel File, and heard according to number.

Acknowledgments of deeds will be taken at three o'clock.

Affidavits in support of ex parte applications for Judge's Orders (except those for Orders to hold to Bail), to be left the day before the Orders are to be applied for, except under special circumstances; such affidavits to be properly endorsed with the names of the parties, the nature of the application, and a reference the statute under which any application is made, the party applying being prepared to produce the same.

All affidavits read or referred to before the Judge must be endorsed and filed.

## Births, Marriages, and Deaths.

### BIRTHS.

BYRON—On Feb. 25, at 48 Eaton-place, the Hon. Mrs. Frederick Byron, of a daughter.

COFFEY—On Feb. 21, at 38 Pembroke-road, the lady of John William Coffey, Esq., Solicitor, of a daughter.

GWILLIM—On Feb. 27, in St. Owen's-street, Hereford, the wife of John Gwillim, Esq., Solicitor, of a daughter.

HUGHES—On Feb. 28, at Stamford-hill, the wife of William Hughes Hughes, jun., Esq., of a son.

PARRY—On Mar. 1, at Upper Westbourne-terrace, Hyde-park, the wife of W. C. Jones Parry, Esq., Barrister-at-Law, of a son.

RICE—On Feb. 27, at Eaton-place South, the Hon. Mrs. Charles Spring Rice, of a son.

SMITH—On Feb. 26, at Westwood-house, Sheffield, the wife of William Smith, jun., Esq., Solicitor, of a daughter.

SPEED—On Feb. 28, at No. 91 Westbourne-terrace, Hyde-park, Mrs. William Speed, of a son.

STEPHEN—On Feb. 25, at 15 Sunderland-terrace, Bayswater, the wife of Fitzjames Stephen, Esq., Barrister-at-Law, of a son.

### MARRIAGES.

DRURY—BOUSFIELD—On Mar. 3, at St. Marylebone Church, James S. Drury, M.D., of 13 Radnor-place, Hyde-park, to Sophia Louisa, second daughter of the late W. C. Bousfield, Esq., Barrister-at-Law.

FRANCE—SCHOFIELD—On Feb. 20, at St. Matthias's Church, by the Rev. F. Hains, Mr. W. S. France, Attorney, of Wigan, to Mary, daughter of the late Mr. Adam Schofield.

GILLIATT—CLOWES—On Feb. 24, at Trinity Church, Westbourne-terrace, by the Rev. Arthur Scrivenor, incumbent of Chorley-wood, Herts, uncle of the bridegroom, Alfred, only son of A. G. Gilliatt, Esq., Lewes-crescent, Brighton, and late of Mickleham-hall, Surrey, to Emma Lee, eldest daughter of William Clowes, Esq., Gloucester-terrace, Hyde-park-gardens, and of Banstead, Surrey.

GROWSE—SHORTER—On Feb. 22, at St. Clement's Church, Hastings, by the Rev. T. Pitman, M.A., vicar of Eastbourne, Sussex, uncle of the bride, Robert Growse, Esq., of Hastings, Solicitor, to Ann Madelina, second daughter of the late John Goldsworthy Shorter, Esq., for many years Town Clerk of the same town.

POWER—WELDON—On Feb. 26, in the Cathedral Church, Marlborough-street, by the Rev. P. O'Neill, Richard Power, Esq., Ballydavid-house, Littleton, to Mary Marcella, daughter of the late James Anthony Weldon, Solicitor.

PRALL—GIBBS—On Feb. 24, at Christchurch, Highbury, by the Rev. G. S. Bidwell, of Yetminster, Richard Prall, jun., Esq., of Rochester, and 19 Essex-street, Strand, Solicitor, to Hester, youngest daughter of Henry Stephen Gibbs, Esq., the Shrubbery, Highbury.

SEWELL—WELLS—On Feb. 23, at St. Mary's, Wanstead, by the Rev. William Pitt Wigram, the rector, Isaac William, son of Isaac Sewell, Esq., of Wanstead and Old Broad-street, to Selina, daughter of the late Rev. Algernon Wells, of Upper Clapton.

STAFFORD—TURNER—On Feb. 2, at Christ Church, West Hartlepool, Robert Henderson, eldest son of Robert Stafford, Esq., of Durham, Solicitor, to Alice, daughter of J. Turner, Esq., of West Hartlepool.

### DEATHS.

BATTEN—On Mar. 1, at 8 Gloucester-place, Hyde-park-gardens, London, the infant son of Edmund Batten, Esq., aged 10 weeks.

BOYLE—On Feb. 27, at 24 Bedford-place, Russell-square, aged 4 years and 6 months, Robert, youngest child of Mr. W. A. Boyle.

BRODERIP—On Feb. 27, in the 71st year of his age, William John Broderip, Esq., F.R.S., one of the Benchers of the Hon. Society of Gray's-inn, and formerly a Magistrate of the Westminster Police Court.

BURR—On Feb. 21, Ruth, wife of Mr. William Burr, Solicitor, Croft House, Keighley.

CHANCE—On Feb. 24, at 25 Devonshire-terrace, Hyde-park, George, eldest child of George Chance, Esq., Barrister, aged 5 years.

CLARKSON—On Feb. 24, William Geering Clarkson, Esq., 13 Lecuardi-place, Kensington, and Doctors' Commons, in his 66th year.

PILKINGTON—On Feb. 26, at Park-lane Hall, near Doncaster, Henry Pilkington, Esq., M.A., Barrister-at-Law, in the 72nd year of his age.

PRITCHARD—On Feb. 24, at East-street, Hereford, in the 59th year of his age, Edward Pritchard, Esq., Solicitor, and for many years treasurer of the same city.

SMEDLEY—On Feb. 25, at Grove-lodge, Regent's-park, Francis Smedley, Esq., High Bailiff of Westminster, aged 67.

WITHALL—On Feb. 27, Laura, daughter of William Withall, Esq., of 7 Parliament-street, Westminster, aged 27.

## English Funds.

| ENGLISH FUNDS. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Bank Stock | 230 | 228 | 230 28½ | 228½ 8 | 229½ | 230 29½ |
| 3 per Cent. Red. Ann... | 96 ¼ ⅜ | 96¼ ⅜ ½ | 96¼ ½ | 95⅝ ½ 6 | 96 | 96¼ ⅜ |
| 3 per Cent. Cons. Ann... | 95⅝ 6 | 95⅝ ¼ | 95⅝ ¼ | 95⅝ ¼ | 95⅝ | 95⅝ ¼ |
| New 3 per Cent. Ann... | 96⅜ ¼ ½ | 96¼ ⅜ ½ | 96¼ 6 ⅜ | 95⅝ 5⅝ | 95⅝ | 96 ¼ ⅜ |
| New 2½ per Cent. Ann. | .. | .. | 80 | .. | .. | 80 |
| Long Ann. (exp. Jan. 5, 1860) | .. | 1 3-16 | 1 3-16 | 1 3-16 | .. | 15-16 |
| Do. 30 years (exp. Jan. 5, 1860) | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Jan. 5, 1860) | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Apr. 5, 1885) | .. | .. | 18½ 3-16 | .. | 18½ | 18 3-16 |
| India Stock | 219 20 | 221 | 220 | .. | 220 | 222 20 |
| India Loan Debentures.. | 98½ ½ | 98½ 9 | 99 | 99 8½ | 98½ | 99 8½ |
| India Scrip, Second Issue | .. | .. | .. | .. | .. | .. |
| India Bonds (£1,000) .. | .. | 19s p | 17s p | .. | .. | .. |
| Do. (under £1000) ..... | .. | 18s p | 20s 16sp | 19s p | .. | .. |
| Exch. Bills (£1000) Mar. | 35s p | 34s 37sp | 35s p | 38s p | 35s p | .. |
| Ditto June.... | .. | .. | .. | .. | .. | .. |
| Exch. Bills (£500) Mar. | 35s p | 34s p | 35s 38sp | 35s p | 35s p | 38s p |
| Ditto June.... | .. | .. | .. | .. | .. | .. |
| Exch. Bills (Small) Mar. | .. | 37s 34sp | 35s 38sp | 35s p | 35s p | 38s p |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Do. (Advertised) Mar | 34s p | 34s p | 34s 37sp | 37s 4sp | .. | 38s 34sp |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Exch. Bonds, 1858, 3½ per Cent. ..... | .. | .. | .. | .. | .. | .. |
| Exch. Bonds, 1859, 3½ per Cent. ..... | .. | 100½ | .. | .. | 100 | 100 |

## Railway Stock.

| RAILWAYS. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Birk. Lan. & Ch. Junc.. | .. | .. | .. | .. | .. | .. |
| Bristol and Exeter .... | .. | .. | .. | 99¾ x d | 99 ¾ | 99¾ x d |
| Caledonian ..... | 85 4⅝ 5½ | 84½ ⅝ ½ | 84½ 4 | 83⅝ ½ | .. | 83⅝ ½ |
| Chester and Holyhead.. | .. | 48 | .. | .. | .. | 48½ |
| East Anglian ..... | 15½ | .. | .. | 15½ | .. | 15½ |
| Eastern Counties ..... | 61 60½ | 59½ x d | 58½ x d | 58½ x d | 59½ x d | 58½ x d |
| Eastern Union A. Stock. | .. | .. | .. | .. | .. | .. |
| Ditto B. Stock .... | .. | .. | 29½ x d | .. | .. | .. |
| East Lancashire ..... | .. | .. | .. | .. | .. | .. |
| Edinburgh and Glasgow | .. | 71 | .. | .. | .. | .. |
| Edin. Perth, and Dundee | .. | .. | .. | 96 ½ 7 | .. | 96½ 7 |
| Glasgow & South-Westn. | .. | .. | .. | .. | .. | .. |
| Great Northern ..... | 105½ | 102½ | 102 x d | 101½ x d | 101½ x d | 101½ x d |
| Ditto A. Stock .... | 88½ 98½ | .. | 88 x d | 86¾ x d | .. | 87½ x d |
| Ditto B. Stock .... | .. | .. | 132 x d | 132 x d | 132½ x d | 132½ x d |
| Gt. South & West. (Ire.) | .. | .. | 102½ x d | 102½ x d | .. | 102½ x d |
| Great Western ..... | 57½ | 55½ x d | 55½ x d | 55½ x d | 55½ x d | 55½ x d |
| Do. Stour Vly. G. Stk. | .. | .. | .. | .. | .. | .. |
| Lancashire & Yorkshire | 96½ | 93½ x d | 93½ x d | 93⅜ x d | 93½ x d | 93⅜ x d |
| Lon. Brighton & S. Coast | .. | 109½ | 109½ | 109 ½ | 109½ | 109½ |
| London & North-Westrn.. | 95⅜ 6½ | 93⅜ x d | 93⅜ x d | 95½ x d | 93½ x d | 93 ½ x d |
| London & South-Westrn. | 92½ ½ | 93⅜ ½ | 92½ | 92½ ½ | 92 | 92½ 2 |
| Man. Sheff. & Lincoln.. | .. | 37½ ½ | 37½ ½ | 37½ | 37⅜ | 37½ ⅜ 7 |
| Midland ..... | 101½ 2⅜ | 99½ x d | 99½ x d | 98¾ x.d | 98 ¾ x d | 98½ ⅜ |
| Ditto Birm. & Derby | .. | .. | 94 x d | .. | .. | .. |
| Norfolk ..... | 63½ | .. | .. | .. | .. | 60½ |
| North British ..... | 58½ ⅜ | 59 8½ | 58 9 | 57⅞ x d | 58 | 58 7⅜ |
| North-Eastern (Brwck.) | 93⅜ ½ | 91½ x d | 91¼ x d | 90½ x d | 90⅜ x d | 90⅜ x d |
| Ditto Leeds ..... | .. | 47 x d | 46⅜ x d | 46½ x d | 46½ x d | 46½ x d |
| Ditto York ..... | .. | .. | 76⅜ x d | 76⅜ x d | 75½ x d | 75⅜ x d |
| North London ..... | .. | .. | 99⅜ x d | .. | .. | .. |
| Oxford, Worc. & Wolver. | 30 | 30½ | 31 | 31½ ½ | .. | 31½ 1 |
| Scottish Central ..... | .. | .. | .. | .. | .. | .. |
| Scot. N.E. Aberdeen Stk. | .. | .. | 97 | .. | .. | 95½ |
| Do. Scotsh. Mid. Stk. | .. | .. | .. | .. | .. | .. |
| Shropshire Union ..... | .. | 4⅝ | .. | .. | .. | .. |
| South Devon ..... | .. | .. | .. | .. | .. | 38 |
| South-Eastern ..... | 74½ | 71⅜ x d | 71½ x d | 70½ x d | 70 x d | 70⅜ x d |
| South Wales ..... | .. | 64½ x d | .. | 63 | .. | 63 x d |
| Vale of Neath ..... | .. | .. | .. | .. | .. | .. |

* The requirements of the words in italics will not be strictly enforced.

## Estate Exchange Report.

*(For the week ending February 26, 1859.)*

At the Mart.—By Mr. W. A. Oakley.

Leasehold Residence, No. 44, Park-street, Grosvenor-square; let at £130 per annum; term, 63 years from March, 1824; ground-rent, £40.—Sold for £790.

Leasehold House & Shop, No. 55, Grosvenor-street; let at £130 per annum; also No. 44, Davies-street, adjoining; let at £75 per annum, the whole held for 57¼ years from Lady Day, 1820; ground-rents, £60.—Sold for £1000.

A Policy for £300, in the Legal and General Life Office, on the life of a gentleman, now in his 48th year, effected July, 1852; annual premium £16:17:2.—Sold for £55.

By Messrs. Chinnock & Galsworthy.

Leasehold Residence, No. 14, Edward-street, Hampstead-road; let at £45 per annum; term, 94 years from Michaelmas, 1827; ground-rent, £6.—Sold for £420.

Leasehold House & Shop, No. 16, Edward-street; let at 50 guineas per annum; same term and ground-rent.—Sold for £610.

Leasehold Residence, No. 33, Edward-street; estimated value £50 per annum; term, 94 years from Michaelmas, 1830; ground-rent, £8:8:0.—Sold for £420.

Leasehold corner House, No. 34, Edward-street; let at £53 per annum; same term and ground-rent; also a plot of garden ground in the rear, held for 88 years, from Michaelmas, 1836; ground-rent, 5s. per annum.—Sold for £540.

Leasehold Residence, No. 12, Stanhope-street; let at £46 per annum; term, 92 years from Michaelmas, 1829; ground-rent, £4.—Sold for £570.

Leasehold House, No. 14, Stanhope-street; let at £47 per annum; same term, ground-rent, £6.—Sold for £540.

## London Gazettes.

### New Members of Parliament.

Tuesday, *Mar.* 1, 1859.

County of Worcester, Eastern Division.—The Hon. Frederick Henry William Gough Calthorpe, Perry-hall, Staffordshire.

Friday, *Mar.* 4, 1859.

Borough of Midhurst.—John Hardy, Esq., of Dunstall, Staffordshire, *vice* Samuel Warren, Esq.

### Commissioner to administer Oaths in Chancery.

Friday, *Mar.* 4, 1859.

Bayne, Edward Robert, Gent., Aylesbury.

### Professional Partnership Dissolved.

Tuesday, *Mar.* 1, 1859.

Devonshire, Thomas Harris, & James Nasmyth Arnold Wallinger, Solicitors & Conveyancers, 8 Old Jewry; by mutual consent.

Friday, *Mar.* 4, 1859.

Staniland, M., & W. E. Chapman, jun., Attorneys & Solicitors, Boston, and Donington, Lincolnshire; by mutual consent.

### Bankrupts.

Tuesday, *Mar.* 1, 1859.

Hinder, Samuel, jun., Auctioneer, Salisbury. *Com.* Evans: Mar. 10, at 12; and April 7, at 1; Basinghall-st. *Off. Ass.* Bell. *Sols.* Lewis, Wood, & Street, 6 Raymond-bldgs., Gray's-inn. *Pet.* Feb. 26.

Hoyles, Edward, Grocer, Coningsby, Lincolnshire. *Com.* Ayrton: Mar. 23, and April 20, at 12; Town-hall, Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Brown & Son, Lincoln. *Pet.* Feb. 25.

Joseph, Charles Henry (otherwise Charles Henry Josiffe), Licensed Victualler, 74 & 75 Strand. *Com.* Fane: Mar. 10, at 12; and April 8, at 1.30; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Dimmock & Burbey, 2 Suffolk-lane, Cannon-st. *Pet.* Feb. 19.

Messer, John James, Optician, 19 & 20 Upper King-st., Commercial-road East. *Com.* Goulburn: Mar. 14, at 12; April 11, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Dalton, 3 Bucklersbury. *Pet.* Feb. 24.

Swift, Thomas, Grocer, Sheffield. *Com.* West: Mar. 12, and April 9, at 10; Council-hall, Sheffield. *Off. Ass.* Young. *Sols.* Smith & Wightman, Sheffield. *Pet.* Feb. 22.

Webb, John, Butcher, Reading. *Com.* Fane: Mar. 10, at 12.30; and April 15, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Holmes, 25 Great James-st., Bedford-row; or Neale, Reading. *Pet.* Feb. 28.

Winstanley, John, Charles Houghton, & George Rafer Harvey, Comb Manufacturers, Liverpool (Winstanley, Houghton, & Co.) *Com.* Perry: Mar. 14, at 11; and April 4, at 12; Liverpool. *Off. Ass.* Morgan. *Sols.* Thorneley & Jevons, 5 Fenwick-st., Liverpool. *Pet.* Feb. 24.

Woodruff, Henry Eaton, Lace Manufacturer, Nottingham. *Com.* Sanders: Mar. 15 and April 12, at 11; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sol.* Preston, Nottingham. *Pet.* Feb. 26.

Wooltorton, Charles, Ironmonger, 73 & 74 West Smithfield. *Com.* Fonblanque: Mar. 9, at 1; and April 12, at 12; Basinghall-st. *Off. Ass.* Stansfield. *Sols.* Tippetts & Sons, 2 Size-lane; or Norton, Son, & Elam, New-st., Bishopsgate. *Pet. for arrngt.* Dec. 10.

Friday, *Mar.* 4, 1859.

Cooke, George Francis, Lime Burner, Wouldham, Kent, and Battersea; also practising as an Attorney, at 30 King-st., Cheapside. *Com.* Holroyd: Mar. 18 and April 15, at 1; Basinghall-st. *Off. Ass.* Edwards. *Sol.* Rice, 50a Lincoln's-inn-fields. *Pet.* Mar. 2.

Crow, Thomas, Painter, Bridge-st., Berwick-upon-Tweed. *Com.* Ellison: Mar. 14, at 12; and April 11, at 11; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Scaife, Royal-arcade, Newcastle-upon-Tyne; or Belding & Simpson, 17 Gracechurch-st. *Pet.* Feb. 25.

Folkard, Francis, Builder, East Bergholt, Suffolk. *Com.* Goulburn: Mar. 16, at 12.30; and April 18, at 11; Basinghall-st. *Off. Ass.* Pennell. *Sols.* Aldridge & Bromley, Gray's-inn; or S. B. Jackaman, Ipswich. *Pet.* Feb. 22.

Fowler, William, Grocer, Bradford. *Com.* Fonblanque: Mar. 16, at 2; and April 15, at 12; Basinghall-st. *Off. Ass.* Graham. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers; or Bond & Barwick, Leeds. *Pet.* Feb. 11.

Hays, William Ivery, Printer, 103 Cheapside, and 3 Freeman's-ct., Cheapside (Hays, Duff, & Co.) *Com.* Evans: Mar. 17, at 1; and April 21, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Lawrance, Plews, & Boyer, Old Jewry-chambers. *Pet.* Mar. 4.

Jones, James David, Eating-house Keeper, 60 Fleet-st. *Com.* Holroyd: Mar. 15, at 2.30; and April 15, at 2; Basinghall-st. *Off. Ass.* Edwards. *Sol.* Jones, 1 King's-arms-yd., Moorgate-st. *Pet.* Feb. 26.

Portus, George Bullock, Surgeon, Liverpool. *Com.* Perry: Mar. 18, and April 8, at 11; Liverpool. *Off. Ass.* Bird. *Sols.* Norris & Son, Liverpool. *Pet.* Mar. 1.

Redshaw, Joseph, Tanner, Grange, Grange-rd., Bermondsey. *Com.* Goulburn: Mar. 16, at 1.30; and April 18, at 12; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Silvester, 18 Gt. Dover-rd., Newington. *Pet.* Mar. 1.

Skeeles, James Hubbard, Boot & Shoe Dealer, Liverpool. *Com.* Perry: Mar. 17, and April 8, at 12.30; Liverpool. *Off. Ass.* Turner. *Sol.* Sale, Birmingham. *Pet.* Mar. 2.

Williams, Richard, Shoe Manufacturer, Dudley. *Com.* Sanders: Mar. 17, and April 9, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Sale, Birmingham. *Pet.* Feb. 28.

Wormersley, George, Hatter, Derby. *Com.* Sanders: Mar. 18 and April 19, at 11; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sol.* Robotham, Derby. *Pet.* Mar. 1.

### Bankruptcies Annulled.

Friday, *Mar.* 4, 1859.

Hills, Edwin, Manufacturing Chemist, Warsash, Hants. Feb. 2.

Walker, John, Licensed Victualler, Stockport. Feb. 28.

### Meetings for Proof of Debts.

Tuesday, *Mar.* 1, 1859.

Brown, John Hunter (J. H. Brown & Co.), Rope Manufacturer, Sunderland. Mar. 24, at 12; Royal-arcade, Newcastle-upon-Tyne.

Busfield, Jesse, Cloth Manufacturer, Yeadon, Yorkshire. Mar. 28, at 11; Commercial-bldgs., Leeds (previously adj. sine die).

Carmichael, John, Merchant, Liverpool. Mar. 23, at 11; Liverpool.

Hind, Matthew, Grocer, Durham. Mar. 14, at 11.30; Royal-arcade, Newcastle-upon-Tyne (by adj. from Feb. 11).

Lumsdon, James, & William Lumsdon (E. Lumsdon & Sons), Chain & Anchor Manufacturers, South Shields. Mar. 24, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

Mason, Robert Hindry, Printer, Sunderland, and Tynemouth. Mar. 24, at 12; Royal-arcade, Newcastle-upon-Tyne.

Pringle, John, John Thurman, & William Palmer, Lace Manufacturers, Nottingham. Mar. 22, at 11; Shire-hall, Nottingham.

Shaw, William, Bookseller, Lincolnshire. Mar. 23, at 12; Townhall, Kingston-upon-Hull.

Smith, Henry Joseph, Coal Master, Sheffield. Mar. 12, at 10; Council-hall, Sheffield.

Friday, *Mar.* 4, 1859.

Aspinall, William Stancliffe, Grocer, Leeds. April 5, at 11; Leeds.

Bayliss, Moses Bullock, Tailor, 1 Sloane-st., Knightsbridge. Mar. 26, at 12; Basinghall-st.

Bentley, Jane Mary, Grocer, Dudley. Mar. 30, at 11; Birmingham.

Bohn, James, Bookseller, 12 King William-st., St. Martin's-le-the-fields. Mar. 25, at 1; Basinghall-st.

Bradshaw, George, Innkeeper, Whitchurch, Salop. Mar. 30, at 11; Birmingham.

Brown, Charles, Boot, Shoe, & Leather Dealer, 26 Edgbaston-st., Birmingham. Mar. 28, at 11; Birmingham.

Byers, Michael, & Thomas Byers, Ship Builders, Monkwearmouth Shore, Sunderland (Byers & Co.) Mar. 28, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

Cole, Frederic Lindsay, Wine Merchant, 101 Fenchurch-st. Mar. 25, at 2; Basinghall-st.

Edwards, Robert, Joiner, Mold, Flint. Mar. 29, at 11; Liverpool.

Fisher, Samuel, Veterinary Surgeon, Stamford, Lincolnshire. April 13, at 11; Shire-hall, Nottingham.

Hall, Christopher, East India Merchant, 3 Sun-ct., Cornhill (C. Hall & Co.) Mar. 26, at 11; Basinghall-st.

Hamilton, George, Cotton Spinner, Bacup. Mar. 15, at 12; Manchester.

Harbop, William, & Henry Tatham, Worsted Manufacturers, Calverworth, near Hingley, Yorkshire (Harrop & Tatham). Mar. 25, at 11; Commercial-bldgs., Leeds.

Lisett, George, Busk Manufacturer, Sheffield. Mar. 26, at 10; Council-hall, Sheffield.

M'Intyre, Thomas, Tailor, Leeds. Mar. 25, at 11; Commercial-bldgs., Leeds.

Merington, George William, Draper, Edgware-road. Mar. 26, at 1; Basinghall-st.

Neville, Uriah, Wholesale Boot & Shoe Maker, Kerr-st., Northampton. Mar. 25, at 11.30; Basinghall-st.

Parkinson, John, sen., & Parkinson, John, jun., Hosiers, Leicester. April 5, at 11; Shire-hall, Nottingham.

Pavitt, William, Daniel Pavitt, & George Pavitt (Pavitt & Co.), Millers, 30 Alfred-st., Bow-road, Myddleton-rd., Kingsland, 247 Wapping, and 24 Mark-lane. Mar. 28, at 2; Basinghall-st.; joint est. and sep. est. of G. Pavitt.

Phillipson, Graham, Wine & Spirit Merchant, Stamford. April 12, at 11; Shire-hall, Nottingham.

Scampton, Robert, Worsted Spinner, Leicester. Mar. 29, at 11; Shire-hall, Nottingham.

Scully, Ambrose, Ironmonger, Bradford. April 5, at 11; Commercial-bldgs., Leeds.

Tuck, George, Shipowner, South Shields. Mar. 15, at 11; Royal-arcade, Newcastle-upon-Tyne.

Turner, James, Miller, Warson, Nottingham. Mar. 26, at 10; Council-hall, Sheffield.

Underwood, Richard, Hosier, Leicester. April 5, at 11; Shire-hall, Nottingham.

WAKEFIELD, JOHN, Baker, Ilkeston, Derbyshire. April 5, at 11; Shire-hall, Nottingham.
WALTON, CHARLES, & WILLIAM WALTON, Ship & Insurance Brokers, 17 Gracechurch-st., and 4 Clement's-lane (C. Walton & Sons). Mar. 26, at 11.30; Basinghall-st.
WILLIAMS, THOMAS (trading in the name of JOHN WILLIAMS), Dealer in Wines & Spirits, 98 Jermyn-st., St. James's. Mar. 25, at 12; Basinghall-st.
WILMAN, EDWARD, Currier, Dewsbury. April 5, at 11; Commercial-bldgs., Leeds.
WRIGHT, ROBERT, & GEORGE ELLIOTT WRIGHT (R. & G. E. Wright), Wharfingers, Leeds, and 17 Harp-lane, Middlesex. Mar. 25, at 11; Commercial-bldgs., Leeds; joint est. and sep. est of R. Wright.
WYLDE, RICHARD, Builder, Wolverhampton. Mar. 30, at 11; Birmingham.

## CERTIFICATES.

*To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Mar.* 1, 1859.

ELLIS, WILLIAM, Watchmaker, Halesworth, Suffolk. Mar. 24, at 2; Basinghall-st.
HART, JOSEPH, Licensed Victualler, Queen's Head Public-house, Waterlane, Blackfriars. Mar. 23, at 1; Basinghall-st.
JONES, WILLIAM BUCKLEY, & HENRY DERMOT DEMPSEY, Ship Builders, Liverpool (W. B. Jones & Co.) Mar. 23, at 12; Liverpool.
LOCKEY, WILLIAM, Grocer, High-st., Dunstable. Mar. 23, at 12; Basinghall-st.
URWIN, SAMUEL, Draper, Nottingham. Mar. 29, at 11; Shire-hall, Nottingham.

FRIDAY, *Mar.* 4, 1859.

ASHALL, WILLIAM STANCLIFFE, Grocer, Leeds. Mar. 28, at 12; Leeds.
BEER, FREDERICK EDWARD, Tobacconist, 44 Crown-row, Mile End. Mar. 23, 12.30; Basinghall-st.
CONDER, EDMUND, Wholesale & Export Boot & Shoe Warehouseman, 8 Brooke-st., Holborn. Mar. 25, at 1; Basinghall-st.
FIRTH, JOHN PETER, Plumber, Sheffield. Mar. 26, at 10; Council-hall, Sheffield.
FOLKARD, JOSEPH, Maltster, Birmingham, and Great Barr. Mar. 28, at 11; Birmingham.
GOUGH, EDGAR AUGUSTUS, Hotel-keeper, Clayton-sq., Liverpool. April 4, at 11; Liverpool.
HOBSON, NATHANIEL, Joiner & Builder, Sheffield. Mar. 26, at 10; Council-hall, Sheffield.
LEES, WALTER, Woollen Manufacturer, Castle-hill, Almondbury, Yorkshire. Mar. 25, at 11; Commercial-bldgs., Leeds.
MILLER, ROBERT M'HAFFIE, Merchant, Manchester. Mar. 28, at 12; Manchester.
TURNELL, THOMAS BREWIN, Draper, Sheffield. Mar. 26, at 10; Council-hall, Sheffield.
TYERS, JAMES, Miller, Warsop, Nottinghamshire. Mar. 26, at 10; Council-hall, Sheffield.

*To be DELIVERED, unless APPEAL be duly entered.*

TUESDAY, *Mar.* 1, 1859.

ALLOCK, SAMUEL, Painter & Plumber, Stafford. Feb. 25, 3rd class.
BURROW, THOMAS, Farmer, Shrawley, Worcestershire. Feb. 23, 3rd class.
HAYDEN, THOMAS, Cotton Spinner, Bishop Wearmouth, Durham. Feb. 23, 2nd class.
LAMB, FREDERICK, Miller, Ardleigh, Essex. Feb. 17, 2nd class; to be suspended for 12 months from Jan. 21.
LUMSDON, JAMES, & WILLIAM LUMSDON, Chain & Anchor Manufacturers, South Shields (Lumsdon & Son). Feb. 16, 3rd class; after suspension till April 13; certificate to be delivered to James Lumsdon.
MARCHE, EMMANUEL MARIE, Tailor, 258 High-st., Exeter (trading under the name of GEORGE CARTERET, 5 Foley-pl., Cavendish-sq., London). Feb. 24, 3rd class; suspended for 18 calendar months, and protection withheld from expiration of 1st month.
MARKMAN, JOHN, Draper, South Shields. Feb. 23, 2nd class; after the expiration of 21 days.
MENARD, DANIEL, Cutler, 87 Park-st., Grosvenor-sq. Feb. 24, 2nd class.
PRESSELL, WILLIAM, Licensed Victualler, Kidderminster. Feb. 28, 1st class.
PRIZ, RICHARD, Watchmaker, Okehampton, Devon. Feb. 24, 2nd class, at the expiration of 21 days.
RENDEL, HENRY, Oil Merchant, Manchester, and Newton Heath. Feb. 21, 2nd class.
RILEY, ALFRED, Timber Merchant, Durrington-st., Clerkenwell. Feb. 16, 1st class.
RILEY, WILLIAM, & WILLIAM TOMKINSON RILEY, Ironmasters, Millfield Works and Regent Works, Bilston, Highfield Works, Sedgley, and Bentley Works, Walsall, Staffordshire. Feb. 11, 3rd class, after a suspension of 3 months to William Riley.
ROBINSON, JOHN DYER, Upholsterer, 125 London-st., Reading. Feb. 16, 2nd class, for 3 months, from Jan. 19.
SHARP, EDWARD, Miller, Pinchbeck, Lincolnshire. Feb. 22, 2nd class.
STEER, THOMAS, Shipowner, Torquay. Feb. 23, 2nd class, subject to a suspension of 12 calendar months.

FRIDAY, *Mar.* 4, 1859.

BRYAN, HENRY, Licensed Victualler, Bristol. Mar. 1, 2nd class, after a suspension of 3 months.
CHURCHOUSE, THOMAS, Grocer, Briton Ferry, Neath. Mar. 1, 2nd class.
CLARK, JAMES HERON, Grocer, Bury New-rd., Manchester. Feb. 25, 3rd class.
GLADWELL, WILLIAM, Plumber, Monkfrystone, Yorkshire. Feb. 25, 2nd class.
JOHNSON, GEORGE, Upholder, 1 High-st., Notting-hill. Feb. 26, 3rd class.
PARTON, RICHARD CLEAK, Haberdasher, 438 Oxford-st. Feb. 9, 3rd class.
PEARSWORTH, THOMAS, & ROBERT WALKER, Builders, Sheffield. Feb. 19, 2nd class.
POLDEN, JAMES, & JAMES ALEXANDER POLDEN, Fishing Tackle Manufacturers, 29 Castle-st., Leicester-sq. Feb. 26, 2nd class.
ROBINS, WILLIAM, Publican, Odell Arms, George-st., Fulham-rd., Trafalgar, Latymer-rd., and Kensington Arms, Warwick-rd., Kensington. Feb. 25, 3rd class.
THORNTON, JOSEPH GOODEARN, Watchmaker, Richmond, Yorkshire. Feb. 28, 1st class, at the expiration of 21 days from date hereof.

## Assignments for Benefit of Creditors.

TUESDAY, *Mar.* 1, 1859.

ARNOLD, JOHN, Retailer of Ale & Beer, Warstock Tavern, Yardley-wood, Worcestershire. Feb. 15. *Trustees*, B. Crathorne, Farmer, King's Norton; W. Parkes, Maltster, Camp-hill, Birmingham. *Sol.* Powell, 157 Moor-st., Birmingham.
COCKBURN, ALEXANDER, Grocer, Ashby-de-la-Zouch, Leicestershire. Feb. 18. *Trustees*, T. Ragg, Butcher, Ashby-de-la-Zouch; T. Davenport, Auctioneer, Ashby-de-la-Zouch. *Sol.* Fisher, Ashby-de-la-Zouch.
COCKER, ROBERT, Wire Manufacturer, Sheffield. Feb. 3. *Trustees*, W. Stainforth, Grocer, Sheffield; W. H. Armitage, Steel Manufacturer, Sheffield; F. Hotson, Steel Manufacturer, Sheffield. Creditors to execute before Mar. 3. *Sol.* Wake, Sheffield.
DAWSON, JOHN, Merchant, Whitehaven. Feb. 7. *Trustees*, G. W. Brown, Gent., Whitehaven; W. Brand, Merchant, Lo'ton; and other persons. *Sol.* Linklater, 7 Walbrook.
HART, THOMAS, Merchant, Brooksby's-wharf, Homerton. Feb. 24. *Trustees*, J. Hale, Merchant, Queen-st., Cheapside; W. A. Sence, Wholesale Cabinet Maker, Finsbury-pavement; H. Roxby, Merchant, 40 Lime-st. *Sol.* Turner, 68 Aldermanbury.
PALMER, GEORGE, Tanner, Ormskirk, Lancashire. Feb. 23. *Trustees*, H. W. Banner, Accountant, Liverpool; and other persons. *Sol.* Tyrer, Walton-on-the-Hill.
PAYNE, JASPER PETERS HALE, & JOHN GOODMAN, Leather Merchants, Bridge-st. and College-st., Northampton. Feb. 3. *Trustees*, J. H. Smith, Tanner, Wyld's-rents, Bermondsey; W. Mandy, Tyer's-gateway, Bermondsey. Creditors to execute on or before May 3. *Sol.* Bousfield, 14a Philpot-lane.
STEVENS, JOHN LLOYD, Sail Maker, 86 Tower-hill. Feb. 19. *Trustees*, T. C. Hayward, Sail Cloth Manufacturer, 93 Minories; and other persons. Creditors to execute on or before May 19. *Sol.* Thomson, 60 Cornhill.
THOMPSON, JOHN, Cattle Dealer, Kirk Deighton, Yorkshire. Jan. 19. *Trustees*, J. Styan, Farmer, Kirk Deighton; T. D. Holdsworth, Farmer, High Cayton, near Ripley; J. Allison, Surveyor, Knaresborough. Creditors to execute before Mar. 19. *Sol.* Coates, Wetherby.
WORMS, LEWIS, Merchant, Old Change, trading under the style of ROSE, WORMS, & Co. Feb. 16. *Trustees*, W. F. Farwig, Merchant, Upper Thames-st.; T. Rugely, Warehouseman, Sermon-lane. *Sol.* Turner, 68 Aldermanbury.

FRIDAY, *Mar.* 4, 1859.

HAYTON, ROBERT, Table Knife Cutler, Sheffield. Feb. 7. *Trustees*, J. Nicholson, jun., Steel Manufacturer, and H. Bearnsworth, Horn Merchant, both of Sheffield. *Sol.* Urwin, Sheffield.
HOPKINS, JOHN, Ironfounder, New Dock, Llanelly. Dec. 17. *Trustees*, W. Roderick, Manager of the Bank of Messrs. Wilkins & Co., Llanelly; S. Bevan, Ironmonger, Llanelly. Creditors to execute on or before Mar. 17, or within further 30 days. *Sol.* Tate, Llanelly.
HUMPIDGE, CHARLES, & WILLIAM CRIBB, Tailors, Worcester, and Bromyard, Herefordshire (C. Humpidge & Co.) Feb. 23. *Trustee*, H. Ledgard, Warehouseman, Wood-st. *Sol.* Letts, jun., Bartlett's-bldgs.
NEVILLE, SAMUEL, Shoe Manufacturer, Northampton. Feb. 5. *Trustee*, W. Collier, Shoe Manufacturer, Northampton. *Sol.* Rands, Newland, Northampton.
TAYLOR, WILLIAM, jun., Timber Agent, Normanton. Feb. 16. *Trustee*, W. Greatorex, Butcher, Osmaston-st., Derby. *Sol.* Briggs, 6 Derwent-st., Derby.

## Creditors under Estates in Chancery.

TUESDAY, *Mar.* 1, 1859.

PINDER, DANIEL, Chemist & Druggist, Judd-st., Brunswick-sq. (who died at Mexico, in the latter part of the year 1839). Pinder *v.* Ruddall, M. R. *Last Day for Proof*, June 16.
SALTER, JAMES, Esq., Heavitree, Devon (who died in or about the month of Jan. 1855). Salter *v.* Ainsworth, M. R. *Last Day for Proof*, Mar. 24.

FRIDAY, *Mar.* 4, 1859.

ANDERSON, ALEXANDER PURCELL, Doctor of Medicine, Brighton (who died on or about Oct. 20, 1840). Anderson *v.* Anderson, M. R. *Last Day for Proof*, Mar. 22.
BROOKS, HEZEKIAH, West Bromwich (who died in or about Feb., 1855). Tongue *v.* Brooks, M. R. *Last Day for Proof*, Mar. 22.
CLEVENING, SARAH, Clapham (who died in or about Jan., 1854). Clevening *v.* Dingwall, V. C. Wood. *Last Day for Proof*, Mar. 23.
HATCHETT, GEORGE AUGUSTUS (who died on or about Feb. 24, 1851). Blake & Another *v.* Sole & Others, V. C. Stuart. *Last Day for Proof*, Mar. 21.
SLARKE, MARTHA LYDIA, Widow, Staines (who died in or about Feb., 1854). Poole *v.* Poole, V. C. Stuart. *Last Day for Proof*, Mar. 28.
WEBSTER, MARY, Grocer, Low Town, Pudsey, Yorkshire (who died in or about June, 1853). Illingworth & Others *v.* Walker & Others, V. C. Stuart. *Last Day for Proof*, Mar. 30.

## Windings-up of Joint Stock Companies.

TUESDAY, *Mar.* 1, 1859.

UNLIMITED, IN CHANCERY.

BIRKBECK LIFE ASSURANCE COMPANY.—V. C. Kindersley, on Mar. 15, at 2 & 3, at his Chambers, will further settle the list of Contributories.
IRISH WASTE LAND IMPROVEMENT SOCIETY.—V. C. Kindersley, on Feb. 11, at his Chambers, ordered that a call of £4 per share be made on all the Contributories, payable on or before Mar. 9, to Robert Palmer Harding, 5 Serle-st., Lincoln's-inn.
SECURITY MUTUAL LIFE ASSURANCE SOCIETY.—V. C. Kindersley will, on Mar. 14, at 12, at his Chambers, proceed to make a call on the Contributories of £30 for every £1.
TREVENNA MINING COMPANY.—The Master of the Rolls will, on Mar. 3, at 12, at his Chambers, make a call on the Contributories of £2 per Share.
UNIVERSAL PROVIDENT LIFE ASSOCIATION.—The Master of the Rolls will, on Mar. 7, at 11, at his Chambers, order that a call of £1:5:0 per Share be made on all Contributories.

FRIDAY, *Mar.* 4, 1859.

CAE CYNON MINING COMPANY.—The Master of the Rolls will, on Mar. 23, make an order for the dissolution and winding-up of this Company.
KENT BENEFIT BUILDING SOCIETY, also called THE KENT FREEHOLD LAND SOCIETY.—Creditors of the Society to come in and prove their debts before V. C. Kindersley, at his Chambers.

Mixon Great Consols Copper Mining Company.—V. C. Wood will, on Mar. 11, at 2, at his Chambers (by adj. from Feb. 21), proceed to settle the list of Contributories, prior to the order for winding-up the Company.

Mexican and South American Company.—The Master of the Rolls will, on Mar. 16, at 12, at his Chambers, make a Call on the list of Contributories, for £4 per share.

National Alliance Assurance Company (Registered.)—V. C. Wood: Petition for dissolution; Mar. 12.

Limited, in Bankruptcy.

Bog Mining Company.—Com. Holroyd has appointed Mar. 18, at 2, for creditors to prove their debts, at Basinghall-st.

Seamless Leather Company.—Com. Fonblanque has appointed Mar. 16, at 12, for creditors to prove their debts, at Basinghall-st.

## Scotch Sequestrations.

Tuesday, *Mar.* 1, 1859.

Asher, Saul Solomon, Fruit Merchant, 13 St. Patrick-sq., Edinburgh. Mar. 7, at 2; Stevenson's Rooms, 4 St. Andrew's-sq., Edinburgh. *Seq.* Feb. 24.

Bulloch, James, Grocer, Kirkintilloch. Mar. 8, at 2; Crown-inn, Kirkintilloch. *Seq.* Feb. 25.

Henderson, Samuel, Bleacher, Holmfield, Kirkintilloch. Mar. 8, at 2; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Feb. 26.

Malcolm, Sir John, Bt., Balbedie and Grange, Fifeshire, sometime at 2 Verulam-ter., Maida-hill, London, now at Balbedie. Mar. 8, at 2; Buist's Royal-hotel, Cupar-Fife. *Seq.* Feb. 28.

Neil, John, sometime Smith & Engineer, thereafter Spirit Dealer, 1 South Cumberland-st., Calton, Glasgow. Mar. 4, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Feb. 23.

Rea, David, Grocer & Spirit Dealer, Dundee. Mar. 8, at 11; British-hotel, Dundee. *Seq.* Feb. 25.

Friday, *Mar.* 4, 1859.

Baird, James, Merchant, Glasgow, sometime officer of her Majesty's Customs, formerly Shawl Printer, Linwood, Renfrewshire (James M'Murray & Co.), and also as a partner, now or formerly, of each of the following companies:—Clark & M'Kinlay, Commission Merchants & Drysalters, Glasgow; Robert M'Kinlay, Commission Merchants & Drysalters, Glasgow; and Caldweel, Parker, & Co., Shawl Printers, Linwood. Mar. 10, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Feb. 26.

King, John, Innkeeper, Cardross. Mar. 11, at 12; Tontine-hotel, Helensburgh. *Seq.* Mar. 1.

M'William, William, Farmer, Cairn, Wigtown. Mar. 11, at 12; George-hotel, Stranraer. *Seq.* Mar. 1.

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A SUBSCRIBER, Dingley.—*Spyer* v. *Hyatt* was decided by Sir J. Romilly, M. R., in April, 1855, and is reported 20 Beav. 621, S. C., 3 W. R. 295. It was there held that notwithstanding by Sir J. Romilly's Act (3 & 4 Vict. c. 104) the real estate of a deceased person is assets for the payment of his debts, and by the Dower Act (3 & 4 Will. 4, c. 95), all debts to which the lands of a deceased are subject, are "valid as against the right of his widow to dower," yet that the widow's right to dower has still priority over mere creditors of the deceased. But the case of a mortgage by a party (married since the Dower Act) without a declaration to bar dower is very different, and does not come within this decision.

A COUNTRY READER will find all the information which he desires in Mr. C. P. Phillips's book on the "Law concerning Idiots, Lunatics," &c. It is a very careful compilation of all the cases on this branch of the law.

# THE SOLICITORS' JOURNAL.

*LONDON, MARCH* 12, 1859.

## CURRENT TOPICS.

The Manchester Law Association have prepared an able paper in criticism on the Solicitor-General's Land Titles and Registry Bills, which has reached us, unfortunately, too late for insertion this week. Throughout the country generally the feeling of the profession is adverse to the measure, but not to any great degree; the views expressed in our columns as to the small extent to which the Landed Estates Court will probably operate having been generally accepted as accurate. We are confirmed by arguments from several quarters in our opinion that if the Registry Bill is to pass, a local system of registration is absolutely essential, and we have little doubt that to this complexion the matter must at last come.

Since writing the above, we have received the following report from the Managing Committee of the

METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

In obedience to a special summons, a meeting of the Committee of Management of this Association assembled on Monday last, the 7th inst., to consider the two Bills recently introduced into the House of Commons by the Solicitor-General, and intituled, the "Title to Landed Estates Bill," and the "Registry of Titles Bill," and to determine what position it became their duty to assume in reference to those measures.

After having received the report of the secretary as to the views and opinions of the Incorporated Law Society, as well as the various provincial law societies with which he had been in correspondence on the subject; and having also heard his account of the proceedings at a meeting of deputations from certain other provincial law societies, which was then sitting; the Committee proceeded to discuss the principle of the Bills at great length, and ultimately came to the following resolution:—

"That in view of the opposite opinions held by different members of their body upon the subject of a Registry of Titles, the Committee are of opinion that the association, as such, cannot either support or oppose the principle of the Bills introduced by the Solicitor-General; but, at the same time, the Committee are of opinion that there are many defects in the Bills which ought to be opposed.

"That the Committee are of opinion that, if any system of registration of title be adopted, it ought not to be exclusively metropolitan, but that the principle of local registries should be supported."

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We understand that the London merchants have joined forces with the Chambers of Commerce in support of Lord John Russell's Bankruptcy Bill. A meeting is to be held at the London Tavern, on Tuesday next, over which Mr. Crawford, the member for the City, is to preside, for the purpose of passing resolutions and preparing a petition favourable to the measure. Such a movement will probably ensure the success of the Bill, which has gained in public estimation since its introduction, and now seems to command much more sympathy than the Debtor and Creditor Bill of the Lord Chancellor. The latter, however, has the advantage of having actually passed the ordeal of one House, and of coming down to the Commons with one half of its legislative journey accomplished.

We continue this week the able articles on Bankrupt Law Reform, which have been communicated to us by a solicitor, eminently qualified to write on the subject.

Another Lunacy Bill has been added to the number already before the House, and which are now occupying the attention of a select committee; the Solicitor-General, on Thursday night, having obtained leave to bring in a Bill for the amendment of the law relating to inquisitions of lunacy.

Lord Chelmsford wishes to almost abolish grand juries within the district of the Central Criminal Court, grounding the measure on the efficiency of the metropolitan police magistrates, and the consequent inutility of a second investigation prior to the trial, as well as on the hardship and inconvenience entailed on individuals by the present law. There can be no doubt that the grand jury system in London is simply a nuisance. It effects no good, and often does harm, by deterring prosecutors from a court in which they suffer so much loss of time and temper. In the country much may be said for grand juries. They bring the country gentlemen together to meet the judges, and tend to popularize law, and diffuse a knowledge of the principles on which justice is administered. They occasionally protect an innocent accused from unjust persecution. But in the metropolis, civilisation has outgrown such a system; a grand jury in London, viewed in its best aspect, is a solemn farce, and in many respects it is cumbersome and oppressive to a degree which calls for instant remedy.

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Mr. Commissioner Fane seems to imagine, like James the Second, that he is possessed of a dispensing power, and may set aside any provision of the law which is contrary to his private pleasure. The other day a bankrupt, of the name of Chasseaud—who was formerly Paymaster to the Italian Contingent, then nominally a merchant, but really a swindler, living on money raised by false representations, filling a large house with furniture that was never paid for, indulging in reckless extravagance, and, finally, gambling in Consols—applied to the Commissioner for a certificate. Messrs. Linklater and Lawrance pointed out that, under the 201st section of the Bankrupt Law Consolidation Act, the grant of a certificate to a trader who has been guilty of gambling in the funds, is positively prohibited; and they very reasonably asked the Commissioner to obey the law, and to refuse the certificate. To this request, probably because it was unanswerable in its nature, the Commissioner refused to accede, remarking, in his usual pettish way, that he disliked the 201st section so much, that perhaps he failed to understand it rightly. The section is plain to the most ordinary apprehension, and

there is no doubt that Commissioner Fane has violated the law. Such proceedings can only end in bringing the Court of Bankruptcy into utter contempt, and we earnestly trust that the attention of the Lord Chancellor will be directed to this breach of duty, and that he will call the Commissioner to account.

## BANKRUPTCY LAW REFORM.

### IV.

There is no subject connected with the amendment of the law of bankruptcy upon which greater diversity of opinion prevails than the question as to the court to which the jurisdiction in country cases should be given by any new Act. On the one side, it is contended that the existing district courts should be maintained as at present; whilst, on the other, the entire abolition of such courts, and a transfer of their jurisdiction to the county courts, is advocated; and in addition to these propositions, which may be considered to represent the extreme views on either side, a variety of schemes has been proposed. With very few exceptions, however, all parties admit the advantages of having bankrupts' estates administered where the majority of the creditors can attend the court with the least inconvenience, both on account of the saving of travelling expenses, the increased vigilance of creditors, and the facilities for obtaining evidence; but a further question arises as to the mode by which this localisation can be best attained, and whether the residence of the debtor affords any safe criterion in fixing the place of administration.

The want of greater localisation is not a new grievance, as we find, that, with the view of securing it, a Bill was introduced by Lord Brougham in 1852, by which it was intended to provide for the transfer of the jurisdiction in country cases to the county courts, and the observations in support (which may be obtained at the Parliamentary Paper Office) contain a full and able statement of the disadvantages of the present large districts. It is therefore unnecessary to dwell at any length upon this point, but if any further evidence were required, it is afforded in a negative form by the recent attempts of English bankrupts to pass through the Scotch courts, the numerous instances of "pilgrimages to Canterbury" by London insolvents, and the frequent occurrence in the country of cases, where petitions to the county courts under the Protection Acts are dismissed, and the insolvents subsequently obtain their discharges from the county gaols without difficulty, where they are situate at a distance from the residence of the creditors.

Before stating the various propositions which have been made, and in order to give an idea of the comparative extent of the bankruptcy districts and county court circuits, we may mention, that whilst there are in the country only seven bankruptcy districts, the county court circuits (in addition to the metropolitan courts) number fifty, courts being held at several places within each circuit; and, after making an allowance for the London bankruptcy district, which extends a considerable distance into the country, there are on the average about five county court circuits within each bankruptcy district. These particulars will assist us in forming an opinion upon the various schemes which have been propounded, and which may be conveniently stated in the following propositions:—

1. That the existing district courts should be continued as at present, debtors owing less than £300 being permitted, or rather required, to file their own petitions for adjudication in the county courts where they reside.

2. That the district court should be retained, the Commissioners going circuit to all towns having 20,000 inhabitants.

3. That the district courts should be continued, the county courts having concurrent jurisdiction in cases where the debts do not exceed £1000.

4. That the district courts should continue to have exclusive jurisdiction to adjudicate, a majority in value of the creditors being empowered, at their first meeting, to remove the proceedings into the most convenient county court, provision being also made for debtors to petition either the bankruptcy or county court for an arrangement under judicial superintendence.

5. That the district courts should be entirely abolished, and the jurisdiction transferred to the county courts sitting in such places, within their circuits, as may be fixed by Order in Council; the twelve country bankruptcy commissioners, and their registrars, being appointed judges and registrars of county courts, at their present salaries, and attached to the twelve county courts having the largest number of plaints.

The first proposition is contained in the 49th and 51st sections of the Government Bill, and does not make any material alteration in the present law, as the county courts at present possess jurisdiction under the Insolvency Acts, where the debts do not exceed £300; there is no attempt to provide further localisation in other cases; and the only remark it is necessary to make upon these clauses is, that, if the county courts are only to have jurisdiction to a limited amount of debts, it should be open to the creditors to obtain an adjudication on satisfying the Court that the case comes within its jurisdiction. The provision is made for the purpose of saving expense in small cases, and it is only fair that the debtor and creditor should be placed upon an equal footing.

The objection to the second provision is, that it would be impossible for the commissioners to go circuit within any reasonable time; and if they could do so, the expense, whether the staff of the Court were stationary in the various towns, or ambulatory with the judges, would be enormous.

The third proposition admits the necessity for greater localisation, but its adoption would have a tendency to sacrifice rather than secure it. It will be found in practice that in cases of insolvencies, where the debts are from £300 to £1000, the creditors generally reside at a greater distance from the debtor than where the amount of debts is larger. This class consists chiefly of retail dealers, such as linendrapers, grocers, ironmongers, &c., and their principal creditors are the wholesale houses in London, and the large towns which have bankruptcy courts at present; so that their convenience is met by the present law. On the other hand, in more important bankruptcies, such as bankers, merchants, and large manufacturers in any of the staple trades, the creditors generally reside in the immediate neighbourhood of the bankrupt, and no further localisation can be provided for these cases, except either by giving the county courts concurrent jurisdiction, or allowing power to remove the proceedings into a county court, when the convenience of a majority of the creditors requires it.

The fourth proposition is contained in Lord John Russell's Bill, and though we do not altogether approve it, we consider it a very fair compromise; and it possesses this great advantage, that if the experiment should fail, it will work its own cure. It is admitted that the convenience of the creditors, and not of the debtor, should be consulted; and there need be no apprehension that the sympathies of the county court judges will be more with the creditor class than with the debtors. If, therefore, it should be found that the county courts do not satisfactorily administer the estates transferred to them, creditors will cease to remove them from the bankruptcy courts, and no harm will be done.

The advocates of the fifth proposition rely upon the satisfactory administration of bankruptcies in the sheriffs' courts in Scotland, and they contend that, on this ground alone, the Legislature may safely venture to abolish the district courts of bankruptcy. We confess that we are disposed to attach considerable weight to this argument, but we think that the difference in the number and extent of the English and Scotch county court circuits, and in the amount of business in them, should deter us from placing entire reliance upon this supposed analogy, though we are quite prepared to admit that the judges of the county courts are, in point of ability, fit to be entrusted with the jurisdiction; and

that if the County Courts Act had been passed before the district courts were established, such arrangements might have been made as would have rendered the creation of the latter unnecessary.

After considering these various propositions, we think the best arrangement as to the jurisdiction would be, to restrict the exclusive jurisdiction of the present district courts to the county court circuits in which they are situate, and to give concurrent jurisdiction in all other cases to the county courts in other circuits within such districts. This plan would possess the same advantage which distinguishes Lord John Russell's Bill, and would set itself right if the county courts were found inefficient; and it would not increase the business of the county courts in the twelve large towns, in which the district courts are held. Its adoption would, in many cases, save the expense of travelling a considerable distance to attend adjudication and first meeting, and, practically, the effect would be, that petitions for adjudication would be presented to the county courts in all cases where, under Lord John Russell's Bill, the proceedings would be removed at the first meeting of creditors; and we do not think that the county court judges are less qualified to adjudicate than to determine questions arising subsequent to adjudication. We throw out this as a suggestion to those who have the conduct of Lord John Russell's Bill, but we do not wish to urge its adoption, at the risk of creating a difference of opinion among the supporters of the measure, as we consider that the provisions of the Bill, as introduced, would effect a considerable improvement upon the present system.

## THE JOINT STOCK COMPANIES BILL.

The Lord Chancellor's Trading Companies Winding-up Bill was read a second time on Tuesday evening. It is singular that a measure of such dimensions, and dealing with so large and complicated a subject, should have excited so little attention, either in Parliament or outside it. The Bill, although purporting in its title to relate to the winding-up of trading companies merely, is, in fact, an attempt to consolidate the whole mass of statute law affecting trading companies—bringing within the operation of the same statute companies of limited and those of unlimited liability, and also scientific and charitable associations. The Bill contains 214 clauses, and appears to be by the same hand that drew the Acts relating to joint stock companies of 1856, 1857, and 1858. Its name is certainly calculated to mislead, not only as to its objects, but also as to its subject-matter, for its provisions are by no means confined to winding up. They extend to the constitution and incorporation, the distribution of capital and registration of shares, and generally to the management and administration of all companies and associations within its purview. For the most part, the Bill is a consolidation of the statutes 20 Vict. c. 47, 20 Vict. c. 49, 21 Vict. c. 14, 22 Vict. c. 60. It contains, however, some clauses of a novel character, which will require careful consideration when the Bill comes before the House of Commons, for it appears to have received very little, if any at all, in the House of Lords.

Sect. 4 provides that any seven or more persons associated for any lawful purpose may form an incorporated company, with or without limited liability.

Sect. 18 enables the Board of Trade in case of any association formed for the purpose of promoting arts, science, religion, charity, or for any other purpose than that of gain, by license, to direct that such company may be registered as a limited company, without the addition of the word limited to its name.

Sect. 70 provides that "the personal representative of a deceased member who has received any dividend or profit in respect of shares, or other interest of the deceased member in the company, shall be for the purpose of contribution" a member. The meaning is, no doubt, to render liable the personal representative, where he himself, and not where the deceased member, has received a dividend. If so, it ought to be so expressed in the Act.

Sect. 71 proposes that a person not a member of a company may, by participation of the profits or otherwise, become constructively a member; which appears to us to open the way to all the difficulties which recent legislation has been trying to abolish by Limited Liability Acts, and by the numerous provisions in other statutes as to registration of shareholders. This section would give the principle of *Waugh* v. *Carver* a new and very unwholesome application, where it was never intended to apply—viz. to joint-stock companies.

Sect. 88 says, that, in the event of winding up, the rights and liabilities of members between themselves shall be determined in measures provided by law; the meaning of which, if the section is not quite superogatory, is beyond us. So far as this Bill, when passed into an Act, will not affect the relations of members, *inter se*; the law, as a matter of course, will determine such relations. So far as the provisions of the Act modified the present rights and liabilities of members, it would prevent the operation of existing law. Is it intended that, notwithstanding the hundred sections of the Bill, which affect the rights and liabilities of members, that such provisions are to have no effect so far as they interfere with the law as it stood before the consolidated Acts, or the present consolidating Act?

Sect. 164 provides that arbitrations under the Act shall be conducted in manner directed by the Railway Clauses Consolidation Act, 1845.

Sect. 165 prescribes the rules for regulating proceedings in winding up; while sect. 166 enables the Lord Chancellor, as often as circumstances require, to annul or modify these rules, or to make new ones—which is the first instance that we are aware of in which power has been given to any one to repeal or alter an Act of Parliament at his discretion.

We have seen no provision in the Bill for remedying what is at present a hardship upon many shareholders. The companies' Acts of recent years give, and this consolidating Bill proposes to continue, to certain majorities of shareholders, great power, by means of resolutions, in the dissolution and winding up of companies. However imprudent or unjust such resolutions may be, the majority can proceed to carry them out at the expense of the joint stock, thus coercing the minority by means of their own money, while the latter can only resist at a further cost of their own pockets. In a winding up, a certain minority should be at liberty, with the permission of the judge, to elect a representative to appear and support their views at the expense of the estate.

We have hardly had time to examine the manner in which the work of consolidation is effected in the Bill now before us, and only hope that it may prove the last of the series of companies' bills for some time. It is certainly a very unpromising feature in modern legislation that session after session, for several years, a general bill, dealing with comprehensive questions of joint stock companies' law, should have been requisite; and that, after all, a bill to consolidate them is so soon necessary.

## UNANIMITY OF JURIES.

The rule of English law, which requires unanimity in the verdict of juries, has been unquestioned for the last five hundred years; although its policy has of late been challenged by many distinguished jurists. Mr. Hallam considers it a relic of barbarism; and the Common Law Commissioners of 1831 are almost as severe in their condemnation of it. Mr. Forsyth disapproves of it in civil, but favours it in criminal cases; just the reverse of the practice in Scotland. On the other hand, the Common Law Commissioners of 1853 support the principle of unanimity, and recommend the

discharge of the jury after twelve hours, if they cannot agree, unless they should desire further time.

Mr. William Best and Mr. Rochfort Clarke, also, desire to hand down the privilege of trial by jury intact to posterity. A paper read by the former gentleman, four years ago, before the Juridical Society, contains a very able review of all the arguments on both sides of the question; while the pamphlet just published by Mr. Clarke, in the shape of a letter to Lord Derby, puts some of those commonly used in a familiar but striking manner.

We are indebted to Lord Campbell's Bill before the House of Lords for the prominence which the question now enjoys. The Bill proposes, in accordance with a recommendation of the Common Law Commissioners of 1853, that in civil cases the jury may be furnished with fitting accommodation and refreshment; and if unable to agree unanimously upon a verdict, they are not to be kept in deliberation for a period of more than six hours, unless they unanimously desire further time; and if, upon the expiration of such period of six hours, or of the further time, but nine or more of the jury agree, their verdict shall be taken. We are not disposed to regard the proposed measure with favour, as we think the evil complained of would be remedied at too great an expense by the sacrifice of so valuable a principle as the one in question. A rule of law which has been in daily operation for five centuries, and which has very rarely been found to occasion injury, should not be hastily repealed or infringed. We shall be glad to have the opinions of some of our readers who have turned their attention to the subject; for, after all, the question ought to be decided by considerations of convenience, and not upon any purely speculative grounds.

## The Courts, Appointments, Vacancies, &c.

### COURT OF CHANCERY.

(Before Vice-Chancellor Sir R. T. KINDERSLEY.)

*Lawrence* v. *Campbell.—Monday, March* 7.

This was an adjourned summons on the question whether a number of letters which had passed between the defendant, a Scotchman, resident in Jura, and Messrs. Robertson and Simpson, his solicitors, practising in London, but also solicitors of the Scotch courts and practising in Scotland, were entitled to the same professional privilege as in the case of English solicitors and English clients. The plaintiff obtained the usual order to produce documents, and the defendants, Robertson and Simpson, stating by their affidavit that they were Scotch solicitors, and employed by Mr. Ranken, the defendant Campbell's solicitor, in Edinburgh, claimed professional privilege as to the letters in dispute.

For the plaintiff it was argued that Messrs. Robertson and Simpson must be regarded as ordinary agents, and as having no other status in this country. That the letters contained the res gestæ, and would not be privileged in Scotland, and did not relate to any matters which could not have been transacted by an ordinary agent.

For the defendants it was argued that they were solicitors in London, where their status was fully recognised. The effect of holding that the professional privilege did not extend to Scotch solicitors in London would be to put an end to their business in this country.

The VICE-CHANCELLOR said, he had no doubt on the question. If these gentlemen had been English solicitors, no doubt they would have been protected, and their statement must be taken to be true that the letters in question were confidential communications between them and Campbell, and that they took place in their capacity of Scotch law agents. The case was new in specie, but the cases had established a principle which enabled and required this Court to act. The rule was, that the exigencies of mankind required that in matters of business which might lead to litigation a party should be entitled to communicate freely with his professional advisers, and that such communications should be confidential and secret, and that no one should require either the client or the professional advisers to disclose them. In the case of an English solicitor, whatever difference of opinion might have formerly existed, it was not now necessary that the communications to be privileged or protected should pass, either during or relating to the actual litigation, or even one that was expected; it was sufficient that it was confidential between the attorney and his client in that capacity. This rule was generally confined to barristers or solicitors,—a wholesome limitation, subject, however, to exceptions. Suppose a solicitor in Edinburgh happened to cross the border, and was caught in England, and a bill was filed which required communications with a Scotchman in Scotland to be produced, the finding him in this country would never prevent the Court of this country giving him protection. Did it make any difference if a Scotch solicitor was resident in England, as many were? Was a Scotchman in this country bound to consult an English solicitor, or an Englishman a Scotch, if in Edinburgh? The same principle must be applied in both as would justify either to employ his own countryman. The Court could only apply the English principle of protection, and the only question was, whether that principle applied to a Scotch solicitor resident in England. It appeared to his Honour that it did, and that these documents ought to be protected. As this was a new case, the costs must be costs in the cause.

### ROLLS COURT.

(Before Sir J. ROMILLY.)

*Swinfen* v. *Swinfen.—March* 5.

This case, which has been so frequently before the public, came again before his Honour the Master of the Rolls, on a question of costs.

After the second trial, which took place on the ground that the present Lord Chelmsford and Sir Alexander Cockburn had no power to have arranged, and that Mrs. Swinfen was not bound by such arrangement; Captain Swinfen having filed a bill to enforce its performance, the verdict being in favour of the will and adverse to Captain Swinfen, an application was made for a new trial, which was refused; and on the final hearing of the cause, the plaintiff's bill was dismissed generally, with costs.

The question now involved was, whether the plaintiff, the heir-at-law, should be compelled to pay to the defendant the costs of so much of the bill as related to the real estate.

After hearing counsel on both sides,

The MASTER of the ROLLS said, that, under all the circumstances of this remarkable and peculiar case, although he had felt bound to dismiss the plaintiff's bill, he thought the heir-at-law ought not to be compelled to pay the defendant the costs of so much of the bill as related to the real estate.

Order accordingly.

### COURT OF PROBATE AND DIVORCE.

*Dickens* v. *Dickens.—Mar.* 9.

In this case a rule had been obtained to review the registrar's taxation of the petitioner's costs. The petition was presented by a wife for a judicial separation, on the ground of her husband's adultery. Two questions were raised with regard to the taxation—whether the registrar was right in disallowing, first, a number of items of expense incurred preliminary to the presentation of the petition; and, secondly, the expense of various attendances upon the petitioner's father.

Sir C. CRESSWELL having taken time for consideration, this morning said, the registrar had followed the rule of the old Court in both points, and he thought he was quite right in disallowing both classes of items. The rule would therefore be discharged.

### MIDDLESEX SESSIONS.

(Before Mr. PASHLEY, Q.C., Assistant-Judge.)—*Mar.* 9.

Mr. *Ribton* made an application to the Court on behalf of Mr. Ambrose Haynes, an attorney. The learned counsel said, Mr. Haynes had been in the profession over twenty years, had a considerable practice, a portion of which was before one of the hon. magistrates now on the bench, to whom he was well known, and, of course, as a professional man, any imputation upon his character was a matter of no little importance.

It appeared that on Monday last indictments were preferred against some persons named Bennett before the grand jury of this Court, for conspiring to obtain money by false pretences, they being, it was alleged, quack doctors, and Mr. Haynes, to his utter astonishment, found by the newspapers, on Tuesday, that an indictment had also been preferred against him, and found with the others.

The ASSISTANT-JUDGE wished to know what was the object of the learned counsel in applying to the Court?

Mr. *Ribton* said, it was a matter of the last importance

to Mr. Haynes, and he had to move that he should be permitted to put in bail at once. Mr. Haynes was present in court, and prepared with bail to any amount. He had been engaged in his professional capacity as an attorney for some of these persons, who it seemed had now disappeared, but what he was charged with Mr. Haynes was utterly at a loss to know. As this was likely to do Mr. Haynes incalculable injury, it was only in common justice that at the earliest possible moment his refutation of any connexion with the Bennetts beyond that of an attorney in his ordinary practice should go forth; and this was another proof of the want of some such Bill as that lately introduced by Lord Campbell, to prevent these cruel and vexatious indictments being preferred against respectable persons, without their knowing what they were charged with. The name of Thomas Stowell, the common informer, was on the back of the Bills, a fact which of itself was an insight of the motive which had induced him to prefer an indictment against Mr. Haynes, who was never aware, in the least degree, that it was imputed to him that he was connected with the Bennetts, whatever their proceedings might have been, until it appeared publicly that he had been indicted with them.

The ASSISTANT-JUDGE said, he should not grant a bench warrant upon this indictment before notice had been given to Mr. Haynes, and he had been heard. The Court would then decide whether a bench warrant should issue, and then Mr. Haynes could put in bail; at present he was not in the slightest peril. It was not usual to issue bench warrants during the ordinary business of the session, except under special and extraordinary circumstances.

*Mr. Ribton.*—This being clearly nothing but a vexatious proceeding against Mr. Haynes, Stowell might come in just at the close of the sessions and get the warrant, or he might go to a judge at chambers and get one.

The ASSISTANT-JUDGE said, if the application were made he should direct notice to be given, and would then decide upon hearing both sides; for the rule of the Court was, that no person indicted as Mr. Haynes had been should run the risk of being taken and kept in custody for one single hour unnecessarily; and as to a judge at chambers granting a warrant under such circumstances, it was not difficult to give credit for more discretion prevailing there.

Mr. *Ribton* said, Mr. Haynes had come here the moment he heard of the charge, prepared with his bail, and ready to meet the charge and to vindicate himself from the imputation.

The ASSISTANT-JUDGE.—Mr. Haynes is not in the least possible jeopardy or peril of being taken on a warrant. If one is applied for he will have ample notice. One will not go out without that course being taken, and a full inquiry instituted. At present, therefore, there is no occasion for bail, and, as it is said he does not know the charge preferred against him, let him have a copy of the indictment.

Mr. *Ribton* said, his client was much obliged to his Lordship, and perfectly satisfied with his decision. Mr. Haynes had been concerned in some law proceedings, as attorney for John Gibson Bennett, and that was the only way in which he had been connected with any of the parties.

## OXFORD CIRCUIT.—WORCESTER.

### PRACTICE AT THE ASSIZES.—*Mar.* 7.

*Mr. Skinner*, Q.C., applied to the learned Judge for leave to enter the record in the case of *Cook* v. *Price*.

It was a cross action, and the case of *Price* v. *Cook* had been duly entered. The attorney in the former action (*Cook* v. *Price*) had been in Worcester all day on the commission day; but, as the learned Baron did not arrive till late in the evening, the attorney had left the town without entering the record.

*Mr. Huddleston*, Q.C., opposed the application.

Mr. Baron CHANNELL said that, under ordinary circumstances, if the plaintiff did not enter the record before the sitting of the Court, the defendant's attorney was not bound to wait, but might enter a ne recipiatur with the officer of the Court, and leave the assize town. When that was done, probably no judge would allow the plaintiff to enter the record after the usual time. But in the present case the defendant had not taken the proper means, by entering a ne recipiatur, to prevent the plaintiff from applying to the discretion of the judge; and as it was a cross action, and the parties were all in the town, he should certainly grant the application for leave to enter the record.—Application granted.

## MIDLAND CIRCUIT.—NOTTINGHAM.—*Mar.* 10.

**Thomas Beardsall, an attorney, was charged with having forged an order or warrant for the payment of money at East Retford, with a count for uttering the same.**

The prisoner, nephew to the prosecutor, was employed as his attorney. The prosecutor had given the prisoner blank cheques to be filled up with the amounts due to several creditors of one Smith, who had made an assignment to the prosecutor, for the benefit of his creditors, of 5*s.* in the pound. The winding up of Smith's affairs was completed, and several signed blank cheques were left in the prisoner's hands, and the forgery imputed was, the filling up of one of these cheques for £120, payable to himself, without any authority from the prosecutor. During the cross-examination of the prosecutor the prisoner manifested great anxiety to go into an inquiry as to family matters, respecting the relevancy of which his counsel was not satisfied, who consequently retired from the conduct of his case. Many irrelevant questions were put by the prisoner himself, but he succeeded in eliciting from the prosecutor that no payment but the one mentioned had been made by the prosecutor for law charges, and he did not deny having received an account and demand for £120 in a matter of "Hall's executors" (the words "Hall's executors" appeared written in a corner of the cheque in question), and that shortly before the issue of the cheque prisoner had written the following letter, to which the prosecutor made no reply:—

I shall be glad if you will let me have the whole or part of the amount. Let me hear from you by return of post, or I will draw on you for the amount. It is time it was paid. I shall take your silence as an assent to my requirement unless I hear to the contrary.—Yours, &c.

The learned JUDGE bade the prosecutor stand down at once and, under his direction, the jury returned a verdict of Not Guilty.

## NORTHERN CIRCUIT.—CIVIL COURT.

### (Before Mr. Justice BYLES.)

*Charlton* v. *Hindmarsh.*

This was a question whether a will was executed in accordance with the statute 1 Vict c. 26. The issue being on the defendant.

Mr. *Manisty*, Q.C., stated his case, which was the first sent down for trial by a jury on this circuit from the Court of Probate under the new Act. Joseph Hindmarsh, of Gosforth Colliery, made his will in December, 1857. He had one sister and several nephews and nieces. By the law a will must be made in the presence of two witnesses. The only question is, whether the two witnesses purporting to have attested this will subscribed it in accordance with the Act. A testator may sign when no witness is present, and may afterwards acknowledge it in the presence of two witnesses, or he may sign it in their presence. The two witnesses must be present at the same time, and must attest the will in the presence of the testator. Here before witnesses attested testator had made his will, in October, 1856, so far as committing it to writing and signing it. In December, 1857, he was in a bad state of health, and was attended by Dr. Wilson. On the 17th of December Dr. Wilson suggested that the will should be attested. The document was then produced and acknowledged by testator, and witnessed by Dr. Wilson. On the same day Dr. White saw testator, when the document was again produced, when testator acknowledged the signature to be his handwriting in answer to a question from Dr. White, and in the presence of Wilson. Dr. White then affixed his name. After Dr White had signed Wilson took the document to a table at the window in the same room, and at Dr. White's suggestion filled in the dates, when he also retouched his own signature, and put a cross on the letter F before the name Wilson. Wilson did this because he observed the omission and thought the signature was not complete without it. Wilson also acknowledged his signature by saying to Dr. White before he signed, "Mine is there already."

*Mr. Atherton*, Q.C., for the plaintiff, contended that the signatures were not in accordance with the statute; that Wilson admitted he only crossed the F, and no question remained for the jury.

Mr. Justice BYLES.—Wilson's intention was to make the signature complete; his opinion was that the signature was complete, and he thought the putting the date was equal to a repetition of the signature.

*Mr. Atherton* contended that the facts which took place in the afternoon, which alone can be the signature, did not amount to a signature and attestation under the Act; running a dry pen over a name written before is not sufficient.

*Mr. Manisty.*—The case is narrowed to subscription; it may be by mark or by initials; anything done will do, a mark, initials, or name; here there is a cross on the F, which is an act done, and that is sufficient.

Mr. Justice BYLES.—Suppose he could not have written, his mark would have done; if a man make a line intending it to be his mark, that is sufficient. The mark here for the first time makes it a complete name. In my opinion, defendant is entitled to a verdict, and the document is a complete will.

Verdict for the defendants. Plaintiff to have leave to move.

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Mr. Francis Smedley, the late High Bailiff of Westminster, was the third son of the Rev. Edward Smedley, and of Hannah, fourth daughter of George Bellas, Esq., of Willey, near Farnham. He was born on the 15th of September, 1791, and was educated at Westminster School. Mr. Smedley served his articles in the office of Mr. Spedding, and was admitted an attorney and solicitor in Hilary term, 1814. Having entered the office of Mills & Trower, in Ely-place, Mr. Smedley, on the death of Mr. Robert Trower, which happened shortly after, succeeded to the business, which he carried on in the above-mentioned place till Christmas, 1839, when he removed to Jermyn-street. On the 30th of April, 1818, Mr. Smedley was appointed, with the sanction of the Dean and Chapter of Westminster, to the office of deputy high bailiff of Westminster, then vacant by the resignation of the late Mr. William Took; and in November, 1836, he was promoted by the Dean and Chapter to the high bailiffship. This position he continued to hold, until his death on the 25th of last month, at his residence in Regent's-park. Mr. Smedley had retired from the profession since the close of the year 1855, having succeeded to a very considerable fortune, under the will of the late George Bellas Greenough, Esq. He has left a widow and one son, the author of "Frank Fairlegh," and other works. Mr. Smedley was a director of the Equitable Reversionary Interest Society from the time of its establishment, and had been for many years a director of the Law Office Assurance Society, and the Law Fire Insurance Society.

The Lords of the Treasury have appointed the Judge-Advocate (the Right Hon. Mr. Mowbray) and Mr. Robert Bayley Follett, to be the commissioners under the Probate Acts for deciding the claims for compensation made by clerical surrogates.

TOWN CLERK OF WESTMINSTER.—His Grace the Duke of Buccleugh, High Steward of Westminster, has appointed Mr. W. Trollope, solicitor, of Parliament-street, to the office of Town Clerk, vacant by the appointment of Mr. Robson to the office of Deputy High Steward.

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## Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

JOINT STOCK COMPANY—INDIVIDUAL LIABILITY OF SHAREHOLDERS.

*Re The Athenæum Life Assurance Society*, 7 W. R., L. J., 300.

This case, some observations on which appeared in our *Journal* (ante, p. 183), shortly after it had been decided by *Wood*, V.C., has been recently heard on appeal by the Lords Justices, who have affirmed the decision of the Vice-Chancellor upon the same grounds as those taken by his Honour.

MORTGAGE—CONSTRUCTIVE SOLICITORSHIP—CONSTRUCTIVE NOTICE—DEPOSIT OF TITLE DEEDS.

*Espin* v. *Pemberton*, 7 W. R., L. C., 221.

There were two points of importance considered in this case; one as to the notice which a client is supposed to have of facts known to his solicitor—the other as to the consequences of the negligence of a legal mortgagee in not obtaining possession of the title deeds.

With respect to the first of these points, the question arose out of that anomalous position of things caused by a solicitor borrowing money on his own account from a stranger, and preparing and executing a mortgage to him without the intervention of another solicitor. In *Hewitt* v. *Loosemore* (9 Hare, 440), where a similar transaction occurred, *Turner*, L. J., then Vice-Chancellor, held, that the mortgagor must be considered as acting as solicitor, not only for himself, but for the mortgagee. As against the solicitor, no doubt it would be right to hold him bound by all the responsibilities which the relation of solicitor implies, but one consequence of that relation would be, that the mortgagee would be affected with notice through the solicitor of all defects in the title which were known to him. In the present case there had been a previous equitable mortgage by deposit of title deeds, and *Kinderslay*, V. C., before whom the suit was heard in the first instance, avoided this injustice by holding that though a constructive relation of solicitor and client existed, the additional ingredient of constructive notice could not be implied. (See the report, 7 W. R. 123.) The Lord Chancellor, however, on appeal, declined to take that view. He held that notice to a solicitor could hardly be called constructive notice to the client—because the law would not allow the presumption of notice to be rebutted. He thought it should rather be called imputed notice, and it appeared to him that, if the mortgagor in the present case was to be considered the solicitor of the mortgagee, it was impossible to stop short in applying the consequences of that relation, and of imputing to the mortgagee knowledge of the previous incumbrances. His Lordship, however, refused to recognise the doctrine that in such a case the mortgagor stood in the relation of solicitor to the mortgagee at all, there being no evidence of consent on the part of the mortgagee that he should do so; and on that ground he held that the mortgagee was unaffected with notice. (See "Fisher on Mortgages," p. 310.)

The second point decided was, that, inasmuch as the legal mortgagee had made inquiry of the mortgagor for the title deeds, and had been told that they were mislaid (although in reality they were deposited with an equitable mortgagee) he was excused from the charge of negligence, and did not lose his priority over the holder of the deeds. On this point the Lord Chancellor said, "It is said that this case is of great importance to the commercial world, and that the doctrine which it asserts will alarm bankers and others who have advanced their money upon the deposits of deeds, and that they will be rendered liable to have their securities affected by secret assignments; but the only effect of such a doctrine, if it were new, would be to prevent persons obtaining advances of money with such facility upon the deposits of their deeds; and whether any great mischief would arise from a check being put upon equitable mortgages of this description, may be extremely questionable. The law, however, has been settled for a great number of years, at least from the time of *Plumb* v. *Fluitt* (2 Austr. 432), which is now sixty years ago; and it has not been found that it has rendered persons unwilling to advance money upon such securities." (See Fisher on Mortgages, p. 460; 1 Powell on Mortgages, p. 53.)

ADMINISTRATION—MINOR—FOREIGN PROBATE.

*The Goods of the Duchess of Orleans*, 7 W. R. 269. (Court of Probate.)

A little point of conflict of law has arisen in this case in the Court of Probate. The Duchess of Orleans, at the time of her death, had a legal domicil in France, notwithstanding her compulsory residence out of that country under the decree of the French Republic of the 20th May, 1848. By the law of France a minor may administer to a will, and a motion was accordingly made before Sir C. Cresswell for a grant of letters of administration (with a copy of the will annexed) of the property of the Duchess in England to the Count of Paris (a minor), assisted by his curator, and to Queen Marie Amelie (the widow of the late King of the French) as the guardian of the Duke de Chartres, who is also a minor, for his use and benefit. But the judge was of opinion that the Court could not follow the grant of the foreign country of domicil in cases where it contravened the law of this country; and as a minor was under a disability in this country, he refused to grant the letters of administration to the Count of Paris. It was, however, ultimately agreed that the Count of Paris should have Queen Marie Amelie appointed as his guardian, and that the grant should be made to her as guardian of the two minors. (See 1 Williams on Executors, p. 420.)

SOLICITOR—GROSS SUM IN LIEU OF COSTS—PRESSURE.

*Morgan* v. *Higgins*, 7 W. R., V. C. S., 273.

In this case, which well deserves the attention of solicitors, *Stuart*, V. C., considered the circumstances under which a solicitor might safely accept a gross sum from his client in lieu of costs. In the present case, the client suffered under a painful disease, and lived in great seclusion, and the defendant (the solicitor) was his sole legal adviser, and managed his property and pecuniary affairs. Under these circumstances, the solicitor prepared a mortgage deed to himself, from his client, which was intended to secure certain sums therein recited to be due, and, among others, certain costs due to him, "which were not then immediately ascertainable, but were agreed to be taken at £2,500."

The present suit was instituted, after the death of the client, by his representative, to set aside the mortgage so far as related to these costs, and to take the accounts of the transactions between the solicitor and his client. The Vice-Chancellor, in

giving judgment, referred particularly to the case of *Blagrave* v. *Routh* (2 Kay & Jo. 509), in which *Wood*, V. C., had commented on Lord St. Leonards' observations on this subject in *Lawless* v. *Mansfield* (1 Dru. & W. 557).

The rule of the Court may be stated as follows:—In ordinary cases, between parties who do not stand in the relation of solicitor and client to one another, the Court will not open settled accounts merely on the proof of error in the accounts, but will only allow the complaining party to surcharge and falsify; unless pressure, or fraud, or such gross error as is evidence of fraud, can be shown, which would render it inequitable that the account should have been settled at all—in which case the account will be opened. The same rule applies in cases between solicitor and client—with this qualification, that the mere existence of the relation of solicitor and client is itself sufficient evidence of pressure, unless it can be rebutted by showing that the client had the benefit of the intervention of a third party, or some other advantage, which put him on an equal footing with his attorney.

There is, in fact, in all cases where the confidential relation of solicitor and client exists, a presumed imperfection of capacity on the part of the client to consent to an agreement of this nature. In the present case the Vice-Chancellor observed, "that the most obvious mode of curing this incapacity would have been to call in the assistance of one of the three persons, whom his client was in the habit of consulting, in order to secure himself against this imperfection, arising from the incapacity of his client to consent to the agreement." As this had not been done, his Honour held "that the defendant had failed to show that in the transaction in question his client was relieved from the inequality which the law presumed to exist, in consequence of the relation of solicitor and client." He therefore directed the account should be opened, and the costs taxed in the usual way.

## Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

### I. IN BANC.

PRACTICE—INTERROGATORIES—17 & 18 VICT. c. 125.

*The Wolverhampton New Waterworks Company* v. *Hawkesford*, 7 W. R., C. P., 244.

This case throws light upon the system of "interrogatories" allowed to be put to the opposite party in an action before trial, under the Common Law Procedure Act, 1854—a subject respecting which there are now a considerable number of decided points, but with regard to which fresh questions are continually arising. The proposition which the present case establishes, shortly put, is, that such interrogatories are evidence at the trial only quantum valeant. They cannot relieve the party by whom they are delivered, from proof which the law would otherwise throw upon him. For example, if (as in the present case) the defendant by this means be examined before the trial as to the contents of a document, it is either made an express condition in the order that the answers to the interrogatories respecting such contents shall not be used at the trial, except satisfactory evidence be given that the document itself cannot *then* be produced; or, if this be omitted in the rule or order, then (according to the intimation of *Williams*, J., in the present case) such a condition would be taken to be implied.

LANDLORD AND TENANT—FIXTURES.

*Lancaster* v. *Eve*, 7 W. R., C. P., 260.

A case upon the law of fixtures. It is the general rule that a chattel affixed by A. in or to the freehold of B. becomes part of the soil, and that the property in such chattels consequently passes to B. As the legal maxim runs, "quicquid plantatur solo, solo cedit." This rule, however, like most others, is flexible, and may be qualified by the express or implied agreement of the parties concerned. This was strongly put by the Court in the case of *Wood* v. *Hewitt* (8 Q. B. 913), which was an action for removing a species of sluice (called a mill fender), which, it was alleged, had become permanently affixed to the freehold. There *Patteson*, J., remarked, that he did not see why a chattel placed in the ground of another should not be removable, if it appeared to have been so agreed between the parties at the time of insertion; and that, therefore, the removability of chattels fixed in the soil was matter rather of evidence than of law—provided, at least, the removal could take place without injury. In the present case the Court held, that a pile of wood driven into certain river soil belonging to the Crown, did not thereby necessarily become the property of the Crown, but belonged to those by whom it was planted, if it could be inferred that such was the intention of the parties concerned; and they thought that in the present case there was evidence sufficient to raise a presumption that the pile had been annexed to the soil by virtue of an easement acquired from the Crown by the party annexing it, in order that he might the better enjoy the use of his wharf, which lay immediately behind, and to the full enjoyment of which a pile in front was necessary. This case, as to the removability of fixtures by implied agreement, should be noticed in Amos & Ferand, on "Fixtures" (2 ed.), p. 12, and also in Woodfall's "Landlord and Tenant," c. iv. s. 9. It is an apt illustration of the maxim there cited with regard to contracts respecting fixtures, "modus et conventio vincunt legem."

PRACTICE—COSTS IN ERROR.

*Cooper* v. *Slade*, 28 L. J., Q. B., 82.

This well-known case is here noticed on account of a point of practice (viz. with regard to costs in error) which incidentally arose. At the original trial of the action, the jury found a verdict for the plaintiff on two of the counts of the declaration (being discharged as to the rest), and judgment was entered up for the penalties alleged in those two counts to have accrued to the plaintiff. The Court of Exchequer Chamber, on error brought after tender of a bill of exceptions to the ruling of the judge, reversed the judgment on *both* counts, on the ground that this was no evidence in support thereof, and awarded a venerè de novo. The case was then taken up to the House of Lords, who held that the plaintiff was entitled to judgment on *one* of the above counts, and that therefore the judgment of the Exchequer Chamber must be reversed, and the original ruling of the Queen's Bench (out of which the process issued) affirmed, with respect to one count—the plaintiff entering a nolle prosequi as to the other. Application was now made to the Queen's Bench for a rule requiring the Master to tax the plaintiff's costs of the proceedings in error in the Exchequer Chamber; but Lord Campbell said, "If the judgment of the House of Lords had been a simple affirmance of the judgment in this court, the petitioner would have been entitled to the costs he asks; but he is not entitled under the present circumstances."

### II. COURT OF CRIMINAL APPEAL.

LARCENY OR EMBEZZLEMENT?

*Reg.* v. *Betts*, 7 W. R., C. C. R., 239.

The prisoner in this case was a miller's foreman, whose duty it was to sell flour and to enter his receipts in a book, settled with his master once a-week. On one occasion, he received money from the buyer of some flour, and having given an irregular receipt, failed to enter the transaction, and appropriated the proceeds. Instead of being indicted for embezzling the money so received, he was charged and convicted with having stolen the flour; but the Court of Appeal held that this conviction could not be sustained, since the criminal act of the prisoner was not the sale of the flour, but the appropriation of the proceeds.

FACTOR'S ACT—MEANING OF "DISCLOSURE" TO BANKRUPT COMMISSIONERS.

*Reg.* v. *Alfred Skeene & Archibald Freeman*, 7 W. R., C. C. R., 255.

This is one of those unsatisfactory cases in which a criminal conviction has been affirmed in the teeth of the opinion of four of the fifteen judges. The defendants were indicted under 5 & 6 Vict. c. 39, s. 6, with having fraudulently transferred a bill of lading entrusted to them as brokers—that section containing a proviso that no agent shall be convicted thereunder by any evidence previously *disclosed* by the party indicted, in examination before a bankrupt commissioner. The question turned upon the meaning of "disclosure"—whether it must necessarily be of some fact not before (to the knowledge of the party confessing) made known and judicially proved. For example, in the present case the "disclosure" in bankruptcy relied upon by the prisoners was to the same effect, and told no more than was before proved against them by the sworn depositions of several witnesses, in certain examinations taken before a magistrate on the prisoners' first being charged with the offence for which they were afterwards indicted. It was held by the majority of the fifteen judges that this was not such a disclosure as was contemplated by the framers of the Act, and the conviction was therefore affirmed. It may be collected from the judgments delivered that the *majority* were chiefly influenced by believing the statute of 5 & 6 Vict. c. 39, to have been passed with the intention of punishing crime, and that it would defeat that intention to hold that a disclosure of matter already known was

suffered to screen a guilty party; while, on the other hand, the *minority* considered the chief object of the Act to be in favour of parties aggrieved, that they might obtain the full effect of the evidence of delinquents in criminal remedies. And the Bribery statutes were adduced as showing that this was not an uncommon measure for the Legislature to have recourse to; for, in those Acts, protection is given to offenders against their provisions, on disclosing their criminal acts in evidence before the commissioners of inquiry. And, again, in the Act for the Suppression of Gaming-houses (17 & 18 Vict. c. 38), though a person taken on suspicion may be compelled to give evidence, he becomes, if he makes a true and faithful discovery, entitled himself to immunity.

## Parliament and Legislation.

### HOUSE OF LORDS.

*Friday, Mar.* 4.

Lord WENSLEYDALE presented a petition from merchants in the City of London, against the proposal in the Debtor and Creditor Bill to abolish imprisonment for debt.

Lord BROUGHAM presented a petition from Protestant Dissenters for the removal of all restrictions on Dissenters acting as trustees of endowed schools. The noble Lord said, the complaint of the petitioners was well founded, and whether the recent decision of the Court of Chancery was right or wrong, the matter required the immediate interposition of the Legislature. Also petitions for giving a right of appeal from the decisions of assistant-barristers in insolvent cases.

He also gave notice to introduce a Bill to provide that whenever there is no exclusion of Dissenters, whether Catholic or Protestant, by express terms or by plain intendment, there shall be no exclusion either as to trustees or teachers or scholars, nor any regulation which can effect such exclusion.

MARRIAGE LAW AMENDMENT BILL.

This Bill was brought up from the House of Commons and read a first time.

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

Lord BROUGHAM gave notice that he would on an early day call attention to the proceedings of this most important Court, and to the absolute necessity of aiding it in the performance of its duties.

DEBTOR AND CREDITOR BILL.

Their Lordships then went into committee on this Bill.

Clauses up to 146 inclusive were agreed to.

A new clause was inserted, providing that in any indictment or information for misdemeanour under the Act, it should be sufficient to set forth the substance of certain forms and documents, without setting forth the documents themselves.

The remaining clauses were then agreed to.

The House then resumed, and the Bill was reported.

*Monday, Mar.* 7.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL.

This Bill passed through committee.

*Tuesday, Mar.* 8.

TRIAL BY JURY.

Lord TRURO was proceeding to call the attention of their Lordships to Lord Campbell's Bill for taking the verdict of a majority of a jury in civil cases, but was called to order by

Earl GREY, who protested against the discussion of the principle of a Bill which was not on the business paper for the evening, and of which the author was not present.

MANOR COURTS (IRELAND) BILL.

This Bill was read a first time.

TRADING COMPANIES WINDING-UP BILL.

The LORD CHANCELLOR moved the second reading of this Bill.

Earl GREY expressed a hope that, on going into committee, the President of the Board of Trade would give some account of the working of the Limited Liability Act.

The Bill was then read a second time.

*Thursday, Mar.* 10.

GRAND JURIES IN THE METROPOLIS.

The LORD CHANCELLOR called attention to the question of presenting indictments for criminal charges to grand juries in the metropolis. There was no reason why any criminal charge should be preferred in secret, and, at least within the metropolitan police district, a preliminary inquiry before a magistrate should be required in all cases. He had accordingly prepared a Bill which extended to all criminal charges within the metropolitan district. It was contrary to the spirit of our laws that charges should be made in secret, without the party accused having the means of knowing before his trial who were his accusers, who were the witnesses, and what was the distinct charge against him. If the first part of his Bill were accepted, then the next step was inevitable, for it would be monstrous to require that all criminal charges should be investigated before a magistrate, and that after he had decided there were grounds for a trial by a jury that there should be another preliminary inquiry by a grand jury. The police magistrates in London were a body of able, experienced gentlemen, who had received a legal education, who had the accused parties before them, heard the evidence in open court, drew up written depositions, which the witness signed, and then determined whether there were grounds for sending the accused party for trial. It would naturally be expected that there was nothing to prevent that trial taking place at the proper time, but before that could happen the case had to be filtered through a grand jury, composed of persons probably inexperienced in legal matters, sitting in a private room, not having the accused before them; examining the witnesses separately, and sworn to secrecy themselves upon all that passed within the jury-room. It was not to be wondered at that, under such an arrangement, many bills should be ignored, to the astonishment of the committing magistrates, and of the parties themselves, because it afforded ample opportunities for tampering with the evidence. A witness might suppress or vary facts which he had sworn to before the magistrate; and there was no fear of an indictment for perjury, because the proceedings before the grand jury were secret. The late Clerk of the Arraigns at the Old Bailey used to call the grand jury the "hope of the London thief." Grand juries themselves in the metropolitan police district were satisfied of their uselessness, and until recently were in the habit of "presenting" themselves as useless at the various sessions of the Central Criminal Court. Their own time, as well as that of a large body of witnesses, and of other persons, was, they said, unprofitably occupied; the investigation now afforded at the police courts appeared to afford ample security for the impartial administration of justice, and the duties of a grand jury might be safely dispensed with altogether. Mr. Stuart Wortley, late Recorder of London, and Lord Denman, were of the same opinion. But there were other evils attending grand juries within the limits of the metropolitan police district. At every session of the Central Criminal Court there were assembled a number of witnesses, prosecutors, the friends of the accused, and other parties, and it was calculated that, on an average, 1000 persons of both sexes, and of all ages, were collected there at each sitting. For those persons there was no accommodation whatever; they were uncertain when their cases were to be taken, and were obliged, therefore, to wait about from day to day; and a most demoralising effect was produced by the congregation of so many persons of perhaps indifferent character, while to respectable persons the inconvenience of attending was very considerable. The expense to the country was also enormous. He proposed, then, by the second clause of the Bill, that where a person had been committed, or was bound over in recognisances to take his trial, within the metropolitan police district, there should be no necessity for an indictment, but that an information should be prepared by the proper officer of the court, and that that information should have all the effect of an indictment found by the grand jury, and should be attended with all its consequences. The result of this arrangement would be, that solicitors would know exactly the position of the different cases in the list, and that all the parties concerned would know on what day to attend. Various attempts had been made to effect a change in the present system. In 1846, being then Attorney-General, he presented a report to the Home Office on the subject of criminal law generally, in which he recommended the abolition of grand juries within the metropolitan police district. In 1849 a Bill was introduced by the Government of the day to effect the same object. This Bill was referred to a select committee, before which was adduced the strongest possible evidence in favour of abolishing grand juries. The Bill, however, was dropped. In 1857 he had introduced a similar Bill, but owing to the press of public business he had been unable to proceed with it. In deference to the objections of some persons he had provided that whenever a magistrate had dismissed a charge the party who preferred it, if he were dissatisfied, might go before a grand jury, giving notice to the magistrate within

two days of his intention, and of the court to which he meant to appeal. For this purpose it was proposed that the grand juries should assemble three times in the year at the Criminal Court, and four times in the year at the Quarter Sessions. These provisions would do away with all secret charges, would abolish the anomaly of a second inquiry after a full examination before a magistrate, and at the same time would give an appeal to any persons who might be dissatisfied with the decision of the magistrate.

The Earl of SHAFTESBURY said, that on one occasion when he had been obliged to prosecute a pickpocket, he had been kept dancing attendance at the Clerkenwell Sessions to give evidence before the grand jury, and after all the operation of finding a true bill did not last five minutes. Had this happened to any person engaged in business the inconvenience must have been very great.

Lord CRANWORTH expressed his concurrence in the general principles of the Bill.

Lord WENSLEYDALE said, it was impossible to resist the case made out by his noble and learned friend, but he should be exceedingly sorry if the Bill were made the ground for the total abolition of grand juries in the country.

The Bill was read a first time, and ordered to be read a second time on Tuesday next.

OCCASIONAL FORMS OF PRAYER.

This Bill passed through committee.

MANOR COURTS (IRELAND).

This Bill was read a second time.

## HOUSE OF COMMONS.

*Friday, Mar.* 4.

THE APPOINTMENT OF AN OFFICIAL ASSIGNEE IN DUBLIN.

Mr. BEAMISH rose to ask the Attorney-General for Ireland whether it was the fact that the Lord Chancellor of Ireland had recently appointed Mr. Charles Henry James, an officer of the Ayrshire Rifles, one of the two official assignees of the Court of Bankruptcy and Insolvency in Ireland; and if so, whether the Attorney-General could inform the House what were the qualifications of Mr. James for this office, and what was the amount of the salary or emoluments?

Mr. WHITESIDE said, he was glad that the hon. gentleman had put this question, because it enabled him to explain the circumstances under which the Lord Chancellor of Ireland had made this, the only one of his appointments to which the smallest exception had been taken. Mr. James was appointed because he was the fittest man to fill the vacant office; as was fully explained in a letter which he (Mr. Whiteside) read from the Lord Chancellor.

REGISTRY OF LANDED ESTATES, &c. (STAMPS, &c.)

The House went into committee and passed certain resolutions relating to stamps on proceedings in connection with the registry of landed estates and title to landed estates, on which to found a Bill.

MANOR COURTS, &c. (IRELAND), BILL.

The House having resumed, this Bill was advanced a stage.

EVIDENCE BY COMMISSION BILL.

This Bill was read a second time.

COURT OF PROBATE, &c.

On the motion of Lord JOHN MANNERS, leave was given to bring in a Bill to enable the Commissioners of Works to acquire a site for the purposes of her Majesty's Court of Probate, and other courts and offices.

*Monday, Mar.* 7.

REGISTRY OF LANDED ESTATES AND TITLE TO LANDED ESTATES (STAMPS, &c.)

The report of amendments to this Bill was brought up and received.

REMISSION OF PENALTIES BILL.

This Bill was read a second time.

PETITIONS OF RIGHTS BILL.

This Bill also was read a second time.

*Tuesday, Mar.* 8.

NEW MEMBERS.

Mr. GLADSTONE and Lord A. HERVEY took the oaths and their seats for the University of Oxford and the borough of Bury St. Edmunds respectively.

LANDED ESTATES COURT (IRELAND).

Mr. J. FITZGERALD asked the Chief Secretary for Ireland whether it was the intention of Government to recommend the appointment of a third judge of the Landed Estates Court (Ireland), in the room of the Judge Martley, lately deceased, having regard to the return contained in Parliamentary Paper, No. 83, of the present session.

Lord NAAS.—No appointment has yet been made. The question is still under the consideration of the Government.

JOINT STOCK COMPANIES.

Mr. COX moved for leave to bring in a Bill to empower joint stock companies who were unable to register with limited liability, under the provisions of the Act 19 & 20 Vict. c. 47, to do so on or before the 31st day of December, 1859. His only object was to extend the time within which the registration required by the above Act could be effected.

The SOLICITOR-GENERAL said, that the hon. member was evidently under a misapprehension, owing to the number of Acts which had to be consulted on this subject. All that the Act stated was, that if companies did not register under it before the last day of December they must not pay a dividend or exercise corporate rights. But there was nothing to prevent them from registering after the expiration of the year if they thought fit. If, however, there were really any doubt upon this point, the proper opportunity for setting it at rest would occur when the Bill for consolidating the whole law with regard to the constitution, regulation, and winding-up of joint stock companies, came down from the other House.

Mr. COX consented to withdraw his motion, avowing his intention to move the insertion of a clause in the Bill to which the Solicitor-General had alluded.

The motion was accordingly withdrawn.

ASCERTAINMENT OF THE LAW.

Mr. DUNLOP obtained leave to bring in a Bill to afford facilities for the more certain ascertainment of the law administered in one part of her Majesty's dominions when pleaded in the courts of another part thereof.

MANSLAUGHTER BILL.

This Bill passed through committee.

EVIDENCE COMMISSION BILL.

This Bill passed through committee.

*Wednesday, Mar.* 9.

NEW MEMBER.

Mr. LYGON took the oaths and his seat upon his re-election for Tewkesbury.

JURIES (IRELAND) BILL.

Mr. J. D. FITZGERALD having moved the second reading of this Bill,

Lord NAAS said, that it was not his intention to oppose the second reading; but as the Government themselves proposed to introduce a Bill upon the same subject, which, as he understood, was almost identical in principle with the one before the House, perhaps the right hon. and learned gentleman would agree to fix the future stage for such a time that the two Bills might be considered together.

Mr. FITZGERALD acquiesced in this proposition; and, after a few words from Colonel FRENCH, the Bill was read a second time.

MANSLAUGHTER BILL.

This Bill was read a third time and passed.

*Thursday, Mar.* 10.

NEW MEMBER.

The Earl of MARCH took the oaths upon his re-election for West Sussex, consequent upon his acceptance of the office of President of the Poor Law Board.

LUNACY.

The SOLICITOR-GENERAL gave notice that he would move for leave to bring in a Bill to amend the law on commissions of lunacy.

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PETITIONS OF RIGHT.—A Bill of Mr. Bovill, Sir R. Bethell, and Mr. Macaulay, amends the law relating to "Petitions of Right," as they are technically termed. It enacts that hereafter every such petition may be presented to the Queen in any one of her superior courts of common law or equity at Westminster, and there prosecuted in due course, supposing leave be given so to do by the Court. This will be done by endorsing on the petition (reasonable grounds having been set up) the

words, "Let right be done on behalf of her most gracious Majesty." This being done by the judge, a copy of the petition will be served at the office of the Solicitor to the Treasury or the Secretary of State, praying for an answer, and fourteen days only will be allowed the Crown to answer, plead, or demur to such petition. On trial of the cause, the practice and course of procedure in actions and suits between subject and subject will be followed as far as applicable—a judgment that the petitioner or "suppliant" entitled to relief will have the force and effect of the old judgment of amoveas manus. The suppliant will be entitled to costs against the Crown and other parties to the proceeding.

## Communications, Correspondence, and Extracts.

### ACCOMMODATION FOR ATTORNEYS IN COURTS.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—Though an old member of the profession, it has so chanced that my vocation has not led me into the courts of law for many years. I had recently to superintend a case involving matters of considerable amount, and the handling of numerous papers. I was introduced into a small den, furnished with a very narrow seat, which I was informed was provided for the attorneys who were responsible for the conduct of the suits of their respective clients. The only possible place for laying out the various documents ready for handing on demand to counsel or the Court, was the dirty floor of this den. This floor being, in fact, a narrow passage, in constant use by the officers of the court in handing backwards and forwards books called for by the bar and the bench, and by other persons creeping backwards and forwards, so as not to interfere with the direct line of vision between the judges and the counsel.

The existence of such a biped as an attorney seemed to be altogether ignored in the courts, though the engine which sets the whole machinery in motion.

Surely the attorneys are, at least, entitled to a table whereon to lay their documents, and to take notes in the course of the proceedings without interruption.

What are our great law associations about that such a scandalous state of things should have been allowed to exist to this day?

It seems that Lord Campbell remarked the other day on the unseemly attitude of an attorney, standing with his back to the judge, and leaning over the first row in which the Queen's Counsel sit. This rebuke was fortunately made to a gentleman who had his wits about him; he explained that he was taking notes in the absence of his leading counsel; that as there was no table provided for the attorneys, he had no alternative; and that he was glad of the opportunity of noticing the fact to his Lordship.

Lord Campbell said, he quite concurred in the justice of the complaint, and he supposed that if it were noticed in the usual manner something would be done to remedy it.

I commend this to the notice of the law societies, metropolitan and provincial. ——— A SUBSCRIBER.

### THE LANDED ESTATES BILLS.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—Consolidation of statutes is almost universally admitted to be desirable; yet the Solicitor-General's proposed changes in the law relating to the transfer of real property are sought to be effected by *two* Bills. These two Bills are parts of one entire scheme; that for establishing registration of titles is wholly dependent on the other, while the latter confers but temporary benefits, except as continued by the former.

The machinery proposed for working the Bills, as well as the inconsistency of one with the other, bear testimony, I submit, against their separation, and in favour of carrying out the principle of consolidation.

Two sets of offices and officers are to be created, so that when an applicant has become entitled to a declaration of title in one department, he will be handed over to another to obtain registration. It is to be feared that this course will entail unnecesary expense in carrying out the scheme, and will not tend to remove from Government offices the appellation of "circumlocution offices," and it should be borne in mind that the work to be done under the Registration Bill will be regulated in amount entirely by the use made by landholders of the other Bill.

The following points are, I think, instances of the inconsistency of one Bill with the other.

Firstly, that the Bill for simplification of title is to enact that an applicant who satisfies the Court of his title, shall obtain therefrom a declaration of title or a conveyance, while the Registration Bill *repeals* that enactment if the applicant also desires registration, and points out another course.

Secondly, the Bill for simplification of title is to enact that two or more persons making together the fee simple, can jointly obtain a declaration of title; and that for registration is to enact that *every* person entitled to a declaration of title may become a registered proprietor; but this latter Act only contemplates registered owners of the fee simple. How then are several owners making together the fee simple to be registered, and yet each to retain a *separate* power of disposing of his estate and interest?

Thirdly (on the authority of the epitome of the Bills which has appeared in the *Solicitors' Journal*), the "charges and interests" which "shall not be deemed incumbrances," differ in the two Bills; in one "quit rents" appear, in the other they do not.

That it would be for the public good that landed property should be rendered more easily convertible into money can scarcely be denied; and it is not, I think, to be assumed that such a change would, of necessity, occasion loss to the profession—but the proposed scheme, as presented by the Bills under consideration, seems as yet too undeveloped to be looked upon with great favour. Several objections I will endeavour, shortly, to point out. Owners in fee simple only are to be benefited, and yet it is difficult to perceive why the owner of every vested legal interest in land, beyond a lease for a short term, should not be as easily registered as an owner in fee simple. The owner of a ground rent of £10 a-year will be able to take advantage of the Acts, while the lessee for 1000 years under him, whose interest may be worth many times the value of the ground rent, will be denied the benefit. On this head it may be suggested whether copyholds held in fee simple (according to the custom) are included in the proposed Bills or not.

A metropolitan registry is to be established, whereby country solicitors will be put to difficulty and endangered with risk of mistake in transferring to their London agents *local* knowledge for identification of properties, for settling new descriptions, &c. The Bill for certifying titles acknowledges the necessity for local knowledge, and directs local inquiries. These will be quite as much required after the title is certified. Why not have local registries, and copies therefrom daily transmitted to London? Thus inconvenience and injury to country solicitors will be prevented, without prejudice to London practitioners, and duplicates of the country registries will be forthcoming in case of accident to the originals.

The provisions as to the "transmission of land and mortgages" appear likely to be productive of difficulties. Who is to be registered as owner when a testator carves out the fee simple into several legal estates, vested and contingent? Who, when a widow becomes entitled to dower? What course is to be taken when a debt due on mortgage, and the securities for the same, are specifically devised? Will a husband surviving his wife have a disposing power over land previously registered in their *joint* names? Will a registered proprietor, who obtained registration under a will, afterwards set aside, have a disposing power as against the rightful owner? Objections also arise as to the retention of deeds by the Court, and as to the inaptness of the forms of transfer, both on sale and mortgage, to the various requirements of vendors, purchasers, lenders, and borrowers; but as I have already trespassed much on your space, I will not do more than mention them, and subscribe myself, your obedient servant, B. A. R.

March 9, 1859.

### CERTIFICATE DUTY.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—I have read the letter from Mr. Robert Wheeler in your last number, and quite agree with him, that the impending changes in our conveyancing system will be fraught with much injury to our branch of the profession, particularly to comparatively young practitioners, who do not rejoice in an extensive and established conveyancing business. I believe that even the older offices will suffer, and perhaps have the mortification of seeing many details of the new system worked out by "agents" who are not certificated attorneys. Whilst admitting, to the fullest extent, the gloominess of the prospect to such as are about to enter the profession, I cannot agree with your correspondent that even these would be benefited by the removal of the protection still afforded by the certificate duty. Some years ago the question was agitated, and this resulted in a trifling reduction of the certificate duty, attended by a large reduction of the stamp duty on articles of clerkship.

Seeing that professional emolument is on the decline, we surely had better abstain from adopting any course which might have a tendency, directly or indirectly, to reduce the expenses of admission, and consequently to increase the number of attorneys. I am persuaded it will seldom happen, if ever, that any one who would do honour to the profession will be kept back by inability to defray the present very moderate outlay necessary to obtain admission and the right to practise. The certificate duty is but light, and is certainly some protection; let us not, therefore, agitate unwisely, lest we get something not desired, and find, when it is too late, that the number of attorneys has become too large to allow them to exist upon the few crumbs yet remaining for their support. Rather let us strive, by integrity and ability, to secure the goodwill of the community, trusting that there will always be occupation for those who are deserving of confidence.—Your obedient servant,

Derby, March 7, 1859. ——— FREDERICK BAKER.

## TRADE PROTECTION SOCIETIES.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—I trust I shall not be considered trespassing too much on your valuable columns in asking a place in them for a few remarks upon a matter which affects a large number of my professional brethren as well as myself.

You are aware of the existence of certain bodies called "Trade Protection Societies," whose object is to obtain and lay before the subscribing members information likely to affect their interests, and to prevent their making bad debts; also, to assist them in recovering payment of debts. No doubt they are very useful in their way, and for the subscription of one guinea each confer an equivalent on the subscribing members. The person, or persons, too, who work the institutions, doubtless make a good thing of it, but at whose expense? I think I shall show, in the instance I shall refer to, that it is at the expense of the solicitors engaged as agents in the various towns, and who, it seems, are expected to work for nothing, or next to nothing! And now to facts.

I received in October last a printed letter from the "Trade Protection Offices, Manchester," signed "Charles E. Stubbs," stating, "we occasionally have matters entrusted to us by subscribers against persons residing in your district, and, therefore, require the services of an experienced solicitor, and beg to offer you the appointment." It referred me to an enclosed prospectus, from which I was to observe that, in regard to collection of accounts, I should "only be entitled to charge six postage-stamps and the actual disbursements, in case I failed to recover my costs from the defendant." In "all other professional matters, as assignments, opposition of insolvents, &c.," I should be "entitled to make the usual charge;" and, it added, that my name would be entered as an honorary subscriber.

I accepted the appointment, and, in consequence, received inquiries as to the "status" of parties, upon which I obtained information, and gave the offices the result; I also received the six postage-stamps in several cases, and applied for the debt due. I may mention that the fortnightly circular was sent to me free of charge.

At the end of the year I sent in my bill, of which I enclose a copy, which was met by an offer to pay *7s. 6d.* (amount of payments out of pocket) in full of all demands, observing that "the information was required as a matter of reciprocity," and stating that I had "taken an erroneous view of the matter," and that "it was not contemplated that such charges should be made."

Whether my view was "erroneous" or not will have to be decided by a county court judge, as I intend to proceed for the amount of my bill; but I have, at all events, considered my continuing the appointment so decidedly infra dig., that I have requested my name to be erased from the list of solicitors, and I cannot help thinking that others, when they know how I have been treated, will do the same.—I am, Sir, yours,

Wincanton, March 9, 1859. A SUBSCRIBER.

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INDICTMENTS FOR PERJURY.—In 1854, according to a return to the House of Lords, there were 111 indictments for perjury and 55 acquittals; in 1853, 104 and 58; in 1852, 157 and 95; and in 1851, 116 indictments and 87 acquittals.

Mr. Bovill has introduced a Bill to enable judges to appoint commissioners within ten miles of London, and in the Isle of Man and the Channel Islands, to administer oaths in common law, and to authorise the taking in the country of bail in error, and recognisances and bail on the revenue side of the Exchequer. The commissioners are to be called "Commissioners to Administer Oaths in Common Law."

## The Provinces.

BIRMINGHAM.—*Wheelwright* v. *The Corporation.*—At Erdington, on Saturday last, a special petty session was held, to hear and determine a claim for compensation made by Mr. William Wheelwright, of Erdington Hall Farm, against the Corporation of Birmingham. The information was to the effect that the claimant being in possession, as tenant from year to year, of certain meadows bounded on the south-east and south-west by the river Tame, and on the north-east and north by the Birmingham and Fazeley canal, the Corporation, in carrying out their sewerage works, diverted and interfered with the water which had previously flowed, and still ought to flow, along Aston or Hockley Brook, and into the said meadows or closes of land. The sum of £460 was claimed as compensation. Mr. Motteram, barrister, appeared on behalf of the claimant; and Mr. Standbridge, the Town Clerk, represented the Corporation. The claim was made under the 121st section of the Lands Clauses Consolidation Act (incorporated with the Birmingham Improvement Act of 1851). The Town Clerk raised the question of jurisdiction. He said that the 121st section gave power to two justices to hear and determine a claim only in cases where there was an actual taking of the land, or where, if part were taken, damage accrued to the remainder through severance, or some other cause incidental to the taking. If there was any pretence for compensation in this case, the claim must be made under the 68th section, and the mode of procedure would be by an action at common law. The case cited by the learned counsel of *The Queen* v. *Sheffield & Manchester Railway Company*, was a partial taking possession of the land. The Bench having retired to consider the point, announced that in their opinion the claim did not come within the intention of the 121st section. The summons was therefore dismissed.

LEICESTER.—*Crown Court.*—Lord Chief Justice Campbell, upon taking his seat in this court, expressed to the grand jury his satisfaction (with reference to the recent re-arrangement of the courts) at being able, upon revisiting this county, to compliment them upon the improvement he saw around him. He believed they would concur with him in the reasonableness of the complaints which he had more than once made. Ornament, his Lordship remarked, would be misplaced in a hall dedicated to the purposes to which this was devoted; but it ought to be convenient and adapted to its purposes, so that all assembled there for the important duty of administering justice might be properly accommodated. That now appeared to be accomplished; useless expense had been avoided, which would then have been thrown away. All seemed to have been done that was required for conveniently carrying on the business of the court.

NEWCASTLE-UPON-TYNE.—*Time of holding the Session.*—Mr. Digby Seymour, the Recorder, who, it will be remembered, on his appointment, some time ago, changed the time of holding the quarter sessions in this town, very much to the inconvenience of the bar and the profession, has sent an intimation to the secretaries of the Law Society, that from a desire to consult the public convenience and the wishes of the legal profession, he proposes in future to hold the Newcastle Sessions on the Wednesday as heretofore. To accomplish this object, the learned gentleman, we understand, makes a considerable sacrifice by retiring from practice at the East Riding Sessions.—*Newcastle Chronicle.*

NOTTINGHAM.—The assize for this town was commenced on Wednesday. The cases in the calendar, though numerically light, are almost all of a very grave character. An application made to his Lordship in the course of the afternoon, by a non-commissioned officer of the regiment here stationed, for an order from his Lordship for a relaxation of the rule restricting the soldiers of the regiment from entering the town during the assizes, elicited from his Lordship the remark that the application was unnecessary. The order under which that restriction had existed had been rescinded upon an application made by himself under the conviction that it was an unnecessary one, and that the soldiery would conduct themselves in the town as orderly as the most peaceably disposed of her Majesty's subjects.

OTLEY.—*Master and Servant.*—*Smith* v. *Firth.*—On Monday, March 7, J. J. Lonsdale, Esq., the judge, delivered judgment in the above case, which involves a question of the utmost importance to masters and servants, and which was heard at the last Court, when his Honour reserved his judgment. The action was brought by John Smith, a farm labourer, to recover £4 19*s.* for wages alleged to be due to him from his

late master, Mr. Jasper Firth. It appeared that plaintiff had been hired by defendant at £14 per year, but owing to a quarrel between them, the plaintiff left his master's service, and the amount sued for was for wages due to him up to the time of his leaving. For the defendant it was contended that plaintiff was not entitled to recover, he being a farm servant, and having left his master's employment without the consent of the latter, and before the expiration of the term of service. His Honour now delivered his judgment, the chief points of which were, that the hiring appeared to have been a general one, and, consequently, the only question to decide was, whether the plaintiff, who lodged and boarded in the defendant's house, was a "menial" servant. After carefully referring to two or three cases, and to some old Acts of Parliament bearing on the subject, his Honour said, he was of opinion that the plaintiff was a menial servant, and that the contract being a general hiring, the master would be entitled to dismiss the plaintiff upon giving him a month's notice, or paying him a month's wages; the servant being, of course, entitled to adopt a similar course. The judge concluded by observing that the verdict must therefore be for the plaintiff, for £4 6s., the amount due to him for the period during which he had served, less one month's wages, deducted for want of notice.

YORK.—The assize for this city was opened on Saturday with one of the lightest calendars of prisoners for trial than any that has occurred for many years past. The average number of prisoners is about ninety, but in this instance the number has fallen much below the average, without any apparent cause other than a laxity and disinterestedness on the part of the public and the police to do their duty in detecting crime, owing, it is said, to the inadequate scale of allowances made to them while attending the court as witnesses. The *Times* reporter observes, in reference to this matter, that, "As a whole, the calendar is the lightest that has ever been known. Were this a truthful indication of the state of crime in the county it would be very satisfactory. It is rather a truthful indication of the prosecuted and detected crime. That the machinery for the detection of crime is much more perfect than it ever was before, owing to the establishment of the county police, is also true; and the question may well be asked, how is it that crime should exist to any extent and not be detected and prosecuted. The answer is, that along with this improved detective force a counteracting machinery of the most ingenious kind has been established by the wisdom of the late Government, which goes far to render nugatory the efficiency of the police; and that machinery consists in the scale of costs and allowances to prosecutors, attorneys, witnesses, and policemen, the operation of which is to prohibit all prosecutors, witnesses, and policemen from coming forward to give evidence relating to any crime under penalty of a heavy fine on each individually, and to make respectable attorneys by no means anxious to undertake any prosecution. A respectable man is allowed what will barely pay for his bed and breakfast at an inn. A policeman has the satisfaction of living at an assize town partly at his own expense. If he has been very diligent in the following up and detection of crime, and has gone to any expense in so doing, he finds to his cost that this is set down to his public spirit, and that he must pay for it himself—a lesson which he does not forget the next time a similar opportunity occurs. This great circuit has hitherto prided itself on the manner in which the business has been done upon it. The shabby and indecent exhibition of exacting from the presiding judge the prosecution of the prisoners, who, if undefended, the theory of the law assumes him to protect and defend, has never been tolerated on this circuit. One of the ablest judges who ever adorned the bench, Sir Cresswell Cresswell, educated on this circuit, absolutely refused on one occasion at the Old Bailey to act as prosecuting counsel. He sat there as judge. The result will be that offenders against the law will go unprosecuted until, hardened by impunity, they commit crimes too serious to be passed over. The process may be 'cheap,' but the community at large suffers by it."

## Ireland.

DUBLIN, THURSDAY.

### DEATH OF JUDGE MARTLEY.—THE LANDED ESTATES COURT.

On the 4th instant, the news spread throughout Dublin that Judge Martley had died that morning, at his residence, near Bray Head, after three months' endurance of a painful illness. When a barrister of large practice survives the wear and tear of his profession, and attains judicial honours, he almost always receives, as it were, a new lease of life, and may reasonably hope to arrive at a good old age. But in this instance, the profession was shocked to hear of the death, at the age of fifty-four, of a judge who had sat as such for not more than seven or eight weeks, and who has left behind him a sorrowing widow and nine children of tender years, but slenderly provided for.

Mr. Henry Martley was called to the bar in 1829, soon acquired considerable business, was appointed Q.C. in 1841, and in March, 1857, was chosen, on the resignation of Baron Richards, to succeed that learned judge as Chief Commissioner of the Incumbered Estates Court. When the Act of last session passed, rendering perpetual that court under another name, Martley became its first judge. At his funeral yesterday morning, the Lord Chancellor, and many members of the bench and the bar, attended, to show their respect to the memory of a man who was eminent as a lawyer, while in private life he was thoroughly amiable, upright, and accomplished.

With every wish to do justice to the reputation of an able and eminent man, we are compelled to admit the truth of an assertion frequently made, that Judge Martley committed a grave error in judgment in framing the present Rules of Practice of the Landed Estates Court. They are so numerous and complicated, that no one can be expected to be acquainted with them, or strictly to follow them. One favourite theory was, that all claims, either of tenants or of incumbrancers, on estates passing through the Court, should be formally proved, as claims are proved in Chancery before the preparation of a report. In this and many other particulars, the practice of the Court has been recently altered for the worse; and the consequence has been, that there has been a falling off in the amount of business coming into the Court. That the efficiency and popularity of that Court may be restored, it is quite necessary that considerable modifications of these Rules be speedily introduced; and there is some reason for supposing that the entire subject will be forthwith reconsidered.

### APPOINTMENTS AND VACANCIES.

In answer to a question put by the Right Hon. J. O. Fitzgerald in the House of Commons, on Tuesday evening, it was stated that the Government had "under consideration" the subject of the vacant judgeship in the Landed Estates Court. It is difficult to see why there should be any hesitation about the abolition of the third judgeship, inasmuch as every professional man in Dublin knows that the office is perfectly unnecessary. The business is not such as to require three judges; and it will be remembered that the Solicitor-General for England proposes to have but two judges in the Court which he is desirous of establishing in England. If the place left vacant by the death of Judge Martley be now filled up, the desire of providing for an adherent will prevail over a sense of what is due to the public by her Majesty's advisers.

The general belief here is, that, in the event of the English Landed Estates Court Bill becoming law, the services of Judge Hargreave will be required in England, and thus another vacancy may possibly occur in a short time.

The attention of the public was recently called in Parliament to the manner in which Lord Chancellor Napier has filled up the post of official assignee of the Court of Bankruptcy and Insolvency. An ingenious justification of the appointment was, as might be expected, put forward by the Attorney-General; but no amount of eloquence can obscure the fact, that, for a place requiring long mercantile experience, there has been selected a young gentleman recently in a militia regiment, and whose knowledge of business must necessarily be of a limited character. Without exactly comparing this affair to that of the Mastership in Lunacy, one may regret that the English Lord Chancellor, for his own sake, had not the advantage of Mr. Whiteside's oratory in the defence of that now celebrated appointment.

ANCIENT INHERITANCES.—The interesting statement made by Lord Palmerston one evening last week, respecting the uninterrupted descent from father to son of a small estate in New Forest, relates to the family of Purkis, the lime-burner, who picked up the body of the Red King, and carried it in his humble cart to Winchester. But a case of still longer descent in persons not allied to rank and fortune may be quoted. At Ambrose's Barn, on the borders of Thorp, near Chertsey, resides a farmer, Mr. Wapshot, whose ancestors have lived on the same spot ever since the time of Alfred the Great, by whom the farm was granted to Reginald Wapshot. There are several untitled families among our gentry who can trace their names and possessions to the Saxon times.

## Scotland.

### DEATH OF LORD MURRAY.

One of the judges of the Court of Session died here on Monday, the 7th inst., at the age of eighty, having sat on the bench since 1839, before which he was Lord Advocate. His loss will be most deeply felt in other than legal circles. He was possessed of large wealth—of about £300,000, it is said—and having no child or near relative, he was most liberal as a patron of art and every object worthy of charity or enlightened patronage. In fact, he has long been the Mæcanas of Edinburgh. Every stranger of distinction in letters, science, art, or politics, had a ready welcome to his hospitable house, and most distinguished men in Britain will have something like a sigh to heave over the recollection of the kindly old face, radiant under white locks with cheeriness and benevolence. As a judge, he was not very popular with the multitude. He was reckoned indolent, and in truth he was not a disciple of Dr. Dryasdust at all; but he held fast by common sense, and he never went far wrong—most judges with a passion for research and tradition going further wrong, if they did not arrive at his simple common-sense result by a circuitous, dusty, and tiresome road. His faculties continued quite entire up to the last day he sat on the bench, which was within a fortnight of his death. Sometimes he was a little too jocular, perhaps, for persons of the extremely precise and prudish order; but in the joking and all the utterances of the old man, there was something decidedly likeable and human. For good-humoured banter he was unrivalled in Scotland, dealing out a sort of half-laughing, half-grave irony, which made anyone ridiculous; while it was impossible to take offence at what the Nestor slipped out so smilingly. The cuts of his wit were too clean and sharp to give pain, but they went deep enough sometimes. For intellect he was far above the humble and industrious tradesmen who now-a-days, at the Scottish bar, fumble over decisions, and conquer grammar and logic by the knowledge of unimportant forms. In his prime he was an orator of no common order, capable of speaking effectively in many styles, to many different classes of hearers, and was and has been a great favourite among all classes of society, except the fanatics of Edinburgh, who have been wont to suspect his orthodoxy, and were horror-stricken at his latitudinarianism in allowing a Roman Catholic to teach in a ragged school which he did a great deal to support. He was one of the oldest members of the Scottish faculty of advocates alive. He and Lord Brougham passed in the year 1800, and they have stood for years together and alone upon that arch of the Mirza-bridge, with very few stragglers beyond on the ruined arches, friends through life, but most unlike each other, the almost superhuman energy of Brougham driving him through the work of a hundred lives, when his less ambitious brother has been content and privileged to act Mæcenas, be merry, and happy, and enjoy good fortune and repose. He succeeded the Right Hon. Francis (afterwards Lord) Jeffrey as Lord Advocate in 1834, but resigned in the November of the same year; was again appointed Lord Advocate in April, 1835; was Recorder of the Great Roll, or Clerk of the Pipe, in the Exchequer Court, Scotland, but resigned that office (a sinecure) some time before his appointment as Lord Advocate; represented the Leith district of burghs in Parliament from 1832 till 1838.

### ENGLISH BANKRUPTS IN SCOTLAND.

An interlocutor has been issued by Lord Kinloch in the Court of Session, in Scotland, in the case of *Joel* v. *Gill*, which, if ultimately sustained, will go far to destroy the refuge hitherto found in Scotland by English bankrupts. It will be recollected that Mr. William Gill, barrister-at-law, Lincoln's-inn, after forty days' residence in Tobermory, in the Island of Mull, applied for and obtained sequestration in the Sheriff Court there, in August last, under circumstances rendering it improbable that his creditors, who were all in England, could be duly apprised of, much less take part in, the proceedings under the sequestration. Mr. Joel, one of his creditors, applied to the Court of Session for recall of the sequestration, and on the 7th of October last Lord Benholme granted recall, on the ground of imperfect designation in the *Gazette*. This decision was carried before the judges of the Second Division, who ordered the case to be enrolled of new on a more complete record of the facts. The case was then fully debated before Lord Kinloch, who has now recalled the sequestration on the ground that Gill was not subject to the jurisdiction of the Scottish Courts in the true sense of the statute. Lord Kinloch, in a lengthened note attached to his judgment, says:—"The applicant in the present case was an Englishman. He was an English barrister with a slender practice. His real domicile had been established in England. His creditors appear all to be out of Scotland, with one exception; and the exception is that of a creditor fully secured. His assets appear also to be all out of Scotland, except the two pictures, by means of which the fortunate Scotsman has the name of creditor without the reality. The only ground on which the bankrupt has maintained that he was subject to the jurisdiction of the Scottish Courts at the time of presenting the petition is, that for forty days previously he had resided in Tobermory, in the Island of Mull; and he does not conceal the fact, that this residence was assumed, for the express purpose of enabling him to make the application. . . . It would, as the Lord Ordinary views it, be mere extravagance to hold that, of the many Englishmen to whom six weeks are not too many to devote to the scenery of the North, or who can agreeably fill up more than the interval between the 12th of August and the 21st of September, every one who overstays the fortieth day is thenceforth equally answerable to the Scottish Courts as to those of his own country. . . . It is impossible to lay down that forty days' residence in Scotland creates jurisdiction to the Scottish Courts as an absolute and unqualified proposition. . . . It is obviously at variance with any sound application of the Act that an Englishman (or any foreigner whatever, for the principle is the same), with a domicile and business established in another country, and his whole creditors and estate situated in that country, should at pleasure run into Scotland, and, by a residence of forty days, acquire right to the protection and discharge which it may be too inconvenient or too expensive for his creditors to oppose. To do this successfully is, as the Lord Ordinary conceives, a mere perversion of the statute from its true purpose. It is a fraud on the Act such as Courts are bound to take cognizance of and prevent from being perpetrated, even where literally the statute may appear to be complied with. It is on this ground, and not on that of imperfect designation, that the Lord Ordinary recalls the sequestration.

THE VACANT JUDGESHIP.—We have no doubt the Lord-Advocate (Mr. C. Baillie) will claim the gown vacant by Judge Murray's death, and that Solicitor-General Mure will succeed to the office of the former. The only difficulty will consist in claiming even a shred of independence for the electors of the county of Linlithgow, should they be asked to choose two Crown lawyers to represent them within so brief a space, and neither of them connected with the locality. There will be a scramble for the Solicitor-Generalship if the ministry should remain in office so long.—*Scottish Press.*

IMPORTANT LEGAL DECISION.—A case of importance to steamboat and railway proprietors, and others who carry passengers' luggage, as well as to the general public, was decided by Sheriff Bell on Wednesday. It will be seen from the decision in this case that, although a company carry passengers' luggage without charge, and give notice in advertisements that they will not be responsible for its safety, yet if it be proved that they dealt with it as other luggage, stowing it away, or even covering it with a tarpaulin, this infers an undertaking to re-deliver it to the owner; and if it be lost in transitu, that no general notice of not being responsible will clear them of their responsibility, unless the owner of the goods has entered into a special contract to that effect with the company. The facts of the case were admitted. The pursuer, T. G. Garland, was a passenger from Liverpool by the *Princess Royal*; he took his luggage on board with him, which was dealt with like other passengers' luggage, and on arriving in Glasgow it could not be found. He therefore claimed its value—£12. It was taken to avizandum, and on Wednesday morning Mr. Sheriff Bell delivered judgment in favour of the defender.—*Scottish Guardian.*

## Societies and Institutions.

### INCORPORATED LAW SOCIETY.

LAW OF PROPERTY AND TRUSTEES' RELIEF AMENDMENT BILL.

*Objections to the 28th Clause.*

The general object of the Bill is highly beneficial to the public, and it will have the effect of obviating many legal difficulties in the title to freehold and leasehold property, which are of constant occurrence, and are attended with heavy expenses, both to vendors and purchasers.

But the 28th clause will have a prejudicial effect. It enacts that—

Any seller of land, or of any chattels, real or personal, or choses in action, which shall be conveyed or assigned to a purchaser, or the solicitor or agent of any such seller, fraudulently concealing any settlement, deed, will, or other instrument, or any incumbrance from the purchaser, or falsifying any pedigree upon which the title does or may depend, in order to induce him to accept the title offered or produced to him, shall be guilty of a misdemeanour, and being found guilty shall be liable, at the discretion of the Court, to suffer such punishment, by fine or imprisonment, for any time not exceeding two years, with or without hard labour, or by both, as the Court shall award, and shall also be liable to an action for damages at the suit of the purchaser, or those claiming under him, for any loss sustained by him or them in consequence of the settlement, deed, will, or other instrument or incumbrance so concealed, or of any claim made by any person under such pedigree, but whose right was concealed by the falsification of such pedigree; and in estimating such damages, where the estate shall be recovered from such purchaser or from those claiming under him, regard shall be had to any expenditure by him or them in improvements on the land; but no prosecution for any offence included in this section against any solicitor or agent shall be commenced without the sanction of her Majesty's Attorney-General, or in case that office be vacant, of her Majesty's Solicitor-General.

It is the duty of solicitors, in order to save expense to their clients, to commence the title from as late a period as the circumstances of each case will admit, and not to abstract or give notice of any title-deeds which shall appear to them not to be strictly necessary to the title. In a mere pecuniary point of view, it is their interest to abstract fully, and at length, and to give notice of every deed which at any period of time related to the title. If this penal clause remains, solicitors, from an apprehension of liability to a prosecution, will be induced to insert deeds or documents, or recitals, in the abstract, in cases in which at present such deeds, documents, or recitals, would be omitted as unnecessary; and thus the clause will be a justifiable excuse for increasing the length of abstracts of title to an extent which will add most materially to the legal expenses attending the sales and purchases of land.

A deed may sometimes be omitted from the abstract, owing to its being thought by the vendor's solicitor to be unnecessary, though subsequent investigation, or the production of other deeds, may show that it is necessary to the title. It is frequently very difficult to decide whether a deed is necessary or not; and, in omitting to deliver an abstract of all the deeds in his possession, ancient or modern, the solicitor may possibly err, though acting with the best intentions, against his own interest, and with the sole desire to save expense to his client.

If, either from these motives, or through accident or inadvertence, any settlement or incumbrance affecting the title should be omitted, and any loss or damage should afterwards ensue to the purchaser, it might be imputed to the solicitor that he had omitted to give notice of it, with a view to defraud; and he might, though perfectly innocent of fraud, be exposed to the risk of an indictment for misdemeanour.

If this clause should become law, no prudent solicitor, in preparing an abstract, will venture to make a selection from the mass of deeds submitted to him, lest he should, at a future day, be charged with having "fraudulently concealed" some deed which, in the exercise of an honest discretion, he may have omitted from the abstract, as unimportant to the title, but which, under altered circumstances, may be deemed material. His only safety will consist in abstracting every deed, without exception, leaving to the purchaser or his counsel the task of determining which of them are, and which are not, material. Such a course would be at once safe and lucrative, increasing his own fees and emoluments, as well as those of the purchaser's solicitor, but at the expense of their respective clients.

Again, the omission from a pedigree of any birth, death, or marriage, would render such pedigree false in fact, and the solicitor by whom it was framed might truly be said to have "falsified" such pedigree. But such omission may have been entirely the result of imperfect knowledge, and the pedigree may have been honestly believed by its framer to be complete and true in all its parts; yet, under this clause, its falseness in fact may, at some future time, be taken as evidence of an intentional falsification, and the framer may thus be exposed to the severe penalties inflicted by this clause.

The main object of recent legislation as to landed estates has been to facilitate the deduction of title, and to diminish the expense attending it.

This clause will counteract much that has been done for that purpose.

It is quite right that "fraud," whether on the part of principal or agent, client or solicitor, should meet with fitting punishment; but the existing law is quite sufficient to reach any case of actual fraud on the part of either. And as notice has been given of the intention to consolidate the whole body of criminal law, by Bills already prepared, and to be introduced during the present session, it is submitted that it is most inexpedient to complicate the subject by new and unnecessary enactments.

It is respectfully but strongly contended that the 28th clause should be omitted.

## Review.

*Costs in Actions not above £20 in Contract, and not above £5 in Tort, in the Superior Courts; or, How and when to obtain a Certificate, and Rule, Order, or Suggestion for Costs, with Forms of Affidavits, &c.* By JOHN EVANS, Attorney-at-Law.

"The main object of this short treatise is to place before the profession, in a concise, practical, and convenient manner, the mode of obtaining costs where verdicts in the superior courts do not exceed £20 in contract, or £5 in tort. A client goes to an attorney with a list containing the names of twenty debtors, all the debts being for sums not exceeding £20. In some of these cases the plaintiff may sue in the superior court; in other cases, if he does so, he cannot recover any costs. It may so happen that a plaintiff suing in a superior court gets a verdict not exceeding £5 in tort. Yet such a verdict may or may not entitle the plaintiff to recover costs. Hence it is most important, for the sake of attorney and client, that the former should have the law and practice on this subject at his finger's ends; and any treatise proposing to assist this object must be praiseworthy in its aim, if not in its execution."

These are the words with which Mr. Evans introduces his little work to its readers. We have no hesitation in saying that in this case the execution has come up to the aim. The author has not only a practical knowledge of his subject, but he has a head for analysis, and can give a reason for a rule. We recommend the book to the profession generally, and particularly to those who are beginning to practise in common law; and we believe that those who read it on our advice will thank us for having pointed it out to their notice.

## Law Students' Journal.

The Council of Legal Education have approved of the following rules for the public examination of the students, to be held on the 23rd, 24th, and 25th of May, 1859.

The attention of the students is requested to the following rules of the Inns of Court:—

As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations; and the inns of court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate, unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto.

At every call to the bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day.

No students shall be eligible to be called to the bar who shall not either have attended during one whole year the lectures of two of the readers, or have satisfactorily passed a public examination.

*Rules for the Public Examination of Candidates for Honours, or Certificates, entitling Students to be called to the Bar.*

An examination will be held in next Trinity Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the Treasurer's Office of the Inn of Court to which he belongs, on or before Monday, the 16th day of May next, and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction; or whether he is merely desirous of obtaining a certificate preliminary to a call to the bar.

The examination will commence on Monday, the 23rd day of May next, and will be continued on the Tuesday and Wednesday following.

It will take place in the Benchers' Reading Room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

*Monday Morning, the 23rd May*, at half-past nine, on Constitutional Law and Legal History; in the *Afternoon*, at half-past one, on Equity.

*Tuesday Morning, the 24th May*, at half-past nine, on Common Law; in the *Afternoon*, at half-past one, on the Law of Real Property, &c.

*Wednesday Morning, the 25th May*, at half-past nine, on Jurisprudence and the Civil Law; in the *Afternoon*, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on *Wednesday Afternoon* there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned; regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question whether a student has passed the examination in such a manner as to entitle him to be called to the bar, the examiners will principally have regard to the general knowledge of Law and Jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

The Reader on Constitutional Law and Legal History will examine on the following subjects:—

He will expect the candidates for honours to be well acquainted with the early history of our Constitution, which may be found in *Hallam's Middle Ages*, c. 10, and with the chapters in *Hallam's Constitutional History*, which give an account of the reigns of Elizabeth, the Stuarts, and Queen Anne.

He will expect them to be well acquainted with the *History of the Law of Real Property*; the *History of the Law of Treason*; and the *History of the Laws relating to the Press*. He will expect them also to be well acquainted with the most remarkable state trials before the reign of George the Third.

He will expect all who present themselves for examination to possess a competent knowledge of the leading events of English History.

The candidates for a pass will be required to possess an accurate knowledge of the reigns of the Stuart Kings; of the Bill of Rights; of the Act of Settlement; and of the State Trials during the reigns of Charles and James the Second.

The Reader on Equity proposes to examine in the following books:—

1. *Haynes's Outlines of Equity; Smith's Manual of Equity Jurisprudence; Hunter's Elementary View of the Proceedings in a Suit in Equity*, pt. i.
2. The cases and notes contained in the first volume of *White and Tudor's Leading Cases; Mitford, on the Pleadings in the Court of Chancery*, introduction; c. i., ss. 1 & 2; c. i. s. 3 (the first six pages); c. ii. s. 1; c. ii. s. 2, pt. i. (the first three pages); c. ii. s. 2, pt. ii. (the first two pages); c. ii. s. 2, pt. iii.; c. iii.

Candidates for certificates of having passed a satisfactory examination will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The Reader on the Law of Real Property proposes to examine in the following books and subjects:—

1. *Joshua Williams on the Law of Real Property*; fifth edition.
2. *Hayes on the Common Law Uses, and Trusts.*
3. *The Charitable Trusts Act* (9 Geo. II. c. 36); Corbyn *v.* French (4 Ves. 418), and the notes to that case in *Tudor's Leading Cases in Conveyancing*, 408.
4. The order and priority of incumbrances upon Real and Personal Property; *Fisher on Mortgages*, c. vii. pp. 341—468.
5. *Sugden on Powers*, cc. i., iii., & v.; seventh edition.

Candidates for honours will be examined in all the foregoing subjects; candidates for certificates in those under heads 1, 2, and 3.

The Reader on Jurisprudence and the Civil Law proposes to examine candidates for honours in the following books:—

1. *Phillimore's Introduction to the Study of Roman Law.* Pt. i., c. iii. to end of c. vii. Prætor, possession, property, contracts, and inheritance.
2. *The Institutes of Justinian.* Book ii. and book iii., from title 14, with the notes in Sandars's edition.
3. The last two titles of the last book of the Digest. *De Verborum Significatione, De Regulis Juris.*

The Reader will examine candidates for a certificate in—

1. *The Institutes of Justinian.* Book ii. and Book iii., from title 14, with the notes in Sandars's edition.
2. The last title of the last book of the Digest. *De Regulis Juris.*

The Reader on Common Law proposes to examine in the following Books and subjects:—

Candidates for a pass certificate will be examined as to—

1. The ordinary proceedings and course of pleading in an action at law.
2. The Law of Contracts, so far as treated of in *Broom's Commentaries*, book ii.; in connexion with which should be read the *Mercantile Law Amendment Act* (19 & 20 Vict. c. 97).
3. *Stephen's Commentaries* (4th edition), book v.; of Civil Injuries, cc. i., vii., viii., & ix.
4. The Law of simple larceny, assault, homicide, and murder, as treated in the last edition of *Archbold's Criminal Pleading* (by Welsby).

NOTE.—Questions will be asked respecting leading cases cited in the text-books above specified.

Candidates for the studentship or honours will be examined in the above mentioned subjects, and as to—

5. The following cases:—

   A. LAW OF CONTRACTS.—Dalby *v.* India and London Life Assurance Co., 15 C. B. 365; Morley *v.* Attenborough, 3 Exch. 500; Hochster *v.* De la Tour, 2 E. & B. 678.

   B. LAW OF TORTS.—Langridge *v.* Levy, 4 M. & W. 337; S. C., 2 Id. 519; Barnes *v.* Ward, 9 C. B. 392; Coggs *v.* Bernard, 1 Smith, L. C., 147, with the note thereto.

6. "Rules governing the production of testimony;" *Taylor on Evidence* (3rd edition), pt. ii., cc. i.—v., vii., xiv., & xv.

By order of the Council,

Council Chamber, RICHARD BETHELL, Chairman.
Lincoln's-inn, 2nd March, 1859.

## Births, Marriages, and Deaths.

### BIRTHS.

BARLOW—On Mar. 8, at No. 36, Rutland-gate, the wife of Edmund Barlow, Esq., of a son.

BARNARD—On Mar. 6, at 9, Barkham-terrace, Lambeth-road, the wife of George William Barnard, Esq., solicitor, of a daughter.

MASON—On Mar. 4, the wife of Mr. Henry Mason, of the Grove, Sydenham, and of No. 84, Basinghall-street, of a son.

THACKER—On Mar. 4, at 1, Upper Park-road, Hampstead, the wife of W. Thacker, Esq., of a daughter.

TURNER—On Mar. 8, the wife of Edmund R. Turner, Esq., of Lincoln's-inn, of a son.

### MARRIAGES.

CHRISTIE—WADE—On Mar. 3, at the parish church, Leeds, by the Rev. E. Greenhow, Vicar of Nun Monkton, John Christie, Esq., Solicitor, Leeds, to Mary Elizabeth, younger daughter of the late James Wade, Esq., Bienheim-terrace, Leeds.

GRAY—WING—On Mar. 7, at St. James's, Dover, by the Rev. W. Light, T. Gray, Esq., to Kate, widow of the late J. W. Wing, Esq., County Court Judge.

MALLETT—UDNY—On Mar. 3, at the Church of St. Stephen-the-Martyr, Marylebone, by the Rev. Henry Francis Mallett, assisted by the Rev. Edward H. Nelson, Incumbent of the district, Charles, youngest son of John Lewis Mallett, Esq., to Louisa Tempe, eldest daughter of George Udny, Esq., of Lincoln's-inn, Barrister-at-Law.

SCARBOROUGH—LAING—On Mar. 5, at the parish church of St. Nicholas, Brighton, by the Rev. Thomas Clark, M.A., Incumbent of St. Mary, Haggerstone, Thomas Henry Scarborough, Esq., of Bloomsbury-square, London, son of the late John Scarborough, Esq., of Tokenhouse-yard and Dalston, to Isabella Ann, only daughter of Robert Laing, Esq., of Manor House, Haggerstone.

SMITH—MOORE—On Mar. 5, at St. James's, Paddington, by the Rev. Edward Nelson, M.A., Henry Smith, Esq., of the Inner Temple, to Esther Francis, widow of the late Robert Ogilby Moore, Esq., of South-side, Wimbledon.

DEATHS.

CAINES—On Mar. 7, at Bridgewater, Somersetshire, in her 85th year, Sybella, Widow of the late R. P. Caines, Esq., thirty-four years Coroner for that county.

PHILLIMORE—On Mar. 5, at Shiplake-house, near Reading, Elizabeth, Widow of the late Joseph Phillimore, D.C.L., in her 79th year.

WALSH—On Mar. 6, at Woolwich, in the 23rd year of his age, from the effects of a fall from his horse, Lieutenant Edward Walsh, of the Royal Engineers, only surviving son of the late Philip Walsh, Esq., Barrister-at-Law, Dublin.

## Unclaimed Stock in the Bank of England.

*The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—*

Baker, Thomas, Esq., Malhenny, co. Dublin, Richard Manders, jun., Esq., Brackenstown, co. Dublin, John Gore Shields, Esq., Chester, and Daniel Beere, Gent., Drumcondra, co. Dublin, £339 : 2 : 9 New 3 per Cents.—Claimed by Thomas Baker, Richard Manders, jun., John Gore Shields, and Daniel Beere.

Boulter, William, & William Farren, Gents., Gray's-buildings, Manchester-square, £88 New 3 per Cents.—Claimed by William Boulter and William Farren.

Chetwode, Lady Elizabeth, Widow, Montagu-square, £100 New 3 per Cents.—Claimed by Charles Fletcher Skirrow and Alexander Hamilton Robson, executors of Elizabeth Hutchinson, Widow, deceased (formerly the said Elizabeth Lady Chetwode, Widow.)

Clive, Edward, Colonel Grenadier Guards, Two Dividends on £1000 3½ per Cents.—Claimed by the Rev. Archer Clive, administrator de bonis non.

Cobb, John Francis, Clerk, Sprattan, Northamptonshire, £591 : 14 : 4 New 3 per Cents.—Claimed by John Francis Cobb.

Colchester, Right Hon. Elizabeth, Baroness, One Dividend on £5540 : 3 : 4 Consols.—Claimed by Right Hon. Charles, Baron Colchester, the administrator.

Dutton, Thomas, Wholesale Stationer, Upper Thames-street, One Dividend on £120 per annum Long Annuities.—Claimed by George Miller, one of the executors.

Faulkner, George, Gent., Bedford-row, and Charles Parker, Gent., Lincoln's-inn-fields, £228 : 11 : 5 Consols.—Claimed by George Faulkner and Charles Parker.

Fludyer, Sir Samuel, Bart., Great Cumberland-place, £3333 : 6 : 8 Consols.—Claimed by the Accountant-General of the Court of Chancery.

Fox, Catherine, Wife of Charles Fox, Silversmith, Felix-terrace, Liverpool-road, Islington, certain Dividends on £350 4 per Cents.—Claimed by Catherine Fox.

Grey, Joseph Thomas, Jeweller, Leadenhall-street, and James Neale Grey, Mercer, Warwick-street, Golden-square, Two Dividends on £1200 : 1 : 0 Reduced.—Claimed by Caroline Ann Hazelden, Wife of George Thomas Hazelden, the sole executrix of Joseph Thomas Grey, who was the survivor.

Grimston, Hon. Charles, Glen Moidart, Argyleshire, One Dividend on £2599 : 8 : 2, and One Dividend on £573 : 13 : 7 Consols.—Claimed by Hon. Lucy Grimston, Widow, the administratrix.

Littleworth, Timothy, Gent., Water-end, Herts, £147 : 4 : 10 Reduced.—Claimed by Charles Littleworth and Charles Englefield, the surviving executors.

Lloyd, Charles, Esq., Upper Berkeley-street West, Connaught-square, Major James Oliphant, East India Company's service, Wimbledon, Surrey, and Robert Nairne, M.D., Charles-street, Berkeley-square, Two Dividends on £10,000 Consols.—Claimed by James Oliphant and Robert Nairne.

Lovedren, Joseph, Farmer, Great Barford, Oxon, and Richard Hall, Farmer, South Newington, Oxon, Seven Dividends on £2000 New 3½ per Cents.—Claimed by Richard Hall.

Metrick, Edward, Esq., Vine-court, Spitalfields, Right Rev. George Augustus Selwyn, Bishop of New Zealand, and Sarah Harriet Selwyn, his Wife, £600 New 3 per Cents.—Claimed by George Augustus Selwyn, and Sarah Harriet Selwyn, his Wife, the survivors.

Orde, Mary Anne, Wife of the Rev. John Orde, Winsley, Yorkshire, One Dividend on £4988 : 0 : 2 Reduced.—Claimed by Mary Anne Domville, Wife of James Graham Domville, the administratrix.

Palmer, Thomas, Gent., Wood-street, Cheapside, One Dividend on £3000 Consols.—Claimed by Thomas William Palmer, the administrator.

Prowse, Maria, Spinster, Bodmin, Cornwall, One Dividend on £2050 : 13 : 8 Consols.—Claimed by Ann Jane Millicent Michell, wife of William Michell, the surviving executrix.

Phillipps, Charles March, Esq., Garindon-park, Leicestershire, £155 : 8 : 9 New 3 per Cents.—Claimed by Charles March Phillipps.

Rothschild, John Irving Nathan Mayer, Esq., Samuel Gurney, Esq., and Joseph Montefiore, Esq., all of London, Ten Dividends on £195 : 10 : 1 Consols.—Claimed by Samuel Gurney, who was the survivor.

Simmons, Thomas Frederick, Esq., Churchill, Somerset, Three Dividends on £401 : 10 New 4 per Cents.—Claimed by Mary Simmons, Widow, the sole executrix.

Strange, Martha, Spinster, Swindon, Wilts, since Wife of Richard Strange, Banker, Certain Dividends on £500 New 3½ per Cents.—Claimed by Richard Strange, the husband and administrator of the said Martha Strange.

Towers, Richard, Esq., Dudden-grove, Cumberland, One Dividend on £2100 New 3½ per Cents.—Claimed by Thomas Butler, the surviving executor.

Trevelyan, Raleigh, and Thornton Trevelyan, Esqs., both of Nether-witton, Northumberland, One Dividend on £2647 : 9 11 Consols.—Claimed by Raleigh Trevelyan.

Tweddell, Joshua, Gent., Hartlepool, One Dividend on £59 : 12 : 6 per annum Long Annuities.—Claimed by Ralph Walker and Johnson Worthy, the surviving executors.

Whitton, William, Gent., King's-road, Bedford-row, Two Dividends on £1000 Reduced.—Claimed by Thomas Aviolet, one of the executors of Mary Philippa Whitton, Widow, who was the surviving executor of the said William Whitton.

Wickett, Elizabeth, Widow, Danehill-row, Margate, £8 per annum Long Annuities.—Claimed by Elizabeth Wales, the wife of George Richmond Wales, the administratrix.

Wilde, Samuel Francis Thomas, Esq., Serjeants'-inn, Fleet-street, One Dividend on £3000 3½ per Cents.—Claimed by Samuel Francis Thomas Wilde.

Yates, John, Watchmaker, Wandsworth, Surrey, £21 : 11 : 0 New 3 per Cents.—Claimed by Henry Yates, administrator de bonis non.

## Heirs at Law and Next of Kin.

*Advertised for in the* London Gazette *and elsewhere during the Week.*

Astor, John Jacob, formerly of New York. His heirs to apply at 147 Holborn-bars.

Bennett, David Hemming (son of William Bennett), late of Worksop, Notts. His next of kin to apply to Williamson, Hill, & Williamson, 10 Great James-street, Bedford-row; or Wright & Blount, Richmond, Yorkshire.

## Railway Stock.

| Railways. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Birk. Lan. & Ch. Junc.. | .. | .. | .. | .. | .. | .. |
| Bristol and Exeter .... | 92½ x d | 92½ x d | 93½ x d | .. | .. | 94 |
| Caledonian..... | 84½ ½ | 85½ ½ | 85½ x d | 85½ 5 | 85½ | 85¾ ½ |
| Chester and Holyhead.. | 48½ | .. | 48½ | 49 8½ | .. | 49 8½ |
| East Anglian ..... | .. | 15½ | .. | .. | .. | 15½ |
| Eastern Counties ..... | 59½ x d | 60½ x d | 60½ x d | 60½ ½ | 62½ ½ | 60½ |
| Eastern Union A. Stock. | .. | .. | .. | .. | .. | .. |
| Ditto B. Stock .... | .. | .. | 30½ x d | .. | .. | .. |
| East Lancashire ..... | .. | .. | 93½ x d | 93¼ ½ | 93¾ ½ | 93¾ |
| Edinburgh and Glasgow | .. | .. | .. | 71 70½ | .. | 71 3 |
| Edin. Perth, and Dundee | .. | .. | 27½ | .. | 27½ | 27½ |
| Glasgow & South-Westn. | .. | .. | .. | .. | .. | .. |
| Great Northern ..... | 101½ x d | 102½ x d | 102½ x d | 102½ x d | 103½ | 103½ 3 |
| Ditto A. Stock .... | .. | 88 x d | .. | .. | 88½ | 88½ 9 |
| Ditto B. Stock .... | 132½ x d | 133½ x d | 133½ x d | .. | .. | .. |
| Gt. South & West. (Ire.) | .. | 103½ x d | 103½ x d | .. | .. | .. |
| Great Western ..... | 55½ 6½ | 56½ ½ | 57½ ½ ½ | 58 x d | 57½ ½ | 58 |
| Do. Stour Vly. G. Stk. | .. | 54 x d | .. | .. | .. | .. |
| Lancashire & Yorkshire | 93½ x d | 94½ x d | 95½ ½ | 95½ x d | 96 5½ | 95½ ½ |
| Lon. Brighton & S. Coast | 110½ | 111½ | 111 2 | 111 2 | 112 ½ | 111 13 |
| London & North-Wstrn.. | 93½ x d | 94½ x d | 95½ x d | 95½ x d | 95½ | 95½ ½ |
| London & South-Westrn. | 92½ ½ | 93 3½ | 93½ ½ | 93½ ½ | 93½ ½ | 92½ ½ |
| Man. Sheff. & Lincoln.. | 37 | 38 | 38 | 38 | .. | 38½ |
| Midland ..... | 99½ x d | 99½ x d | 100½ ½ | 100½ x d | 101½ ½ | 100½ ½ |
| Ditto Birm. & Derby | .. | 75½ x d | 77 x d | .. | .. | .. |
| Norfolk ..... | 60 x d | .. | 61½ x d | 61 x d | 61½ | 61 ½ |
| North British ..... | 58 | 58½ ½ | 59½ 9 | 59 | 59½ | 59 |
| North-Eastern (Brwck.) | 90½ x d | 91½ x d | 92½ x d | 92½ x d | 92½ x d | 92½ ½ |
| Ditto Leeds ..... | 46½ x d | 46½ x d | 47½ x d | 47 x d | 46½ x d | 47½ 6 |
| Ditto York ..... | 75½ x d | 76 6½ | 77 x d | 77 x d | 76½ x d | 77 6½ |
| North London ..... | .. | .. | 101 x d | .. | .. | 102 |
| Oxford, Worc. & Wolver. | .. | .. | 32½ 3½ | 33½ ½ | 33½ 3 | 33½ 3 |
| Scottish Central ..... | .. | .. | .. | .. | .. | .. |
| Scot. N.E. Aberdeen Stk. | .. | .. | .. | .. | .. | .. |
| Do. Scotsh. Mid. Stk. | .. | .. | .. | .. | .. | .. |
| Shropshire Union ..... | .. | 46½ | .. | .. | 47 | 47 |
| South Devon ..... | .. | 38 x d | .. | .. | 38½ x d | 38½ 8 |
| South-Eastern ..... | 70½ x d | 70½ x d | 72½ x d | 71 ½ ½ | 72 x d | 71½ 2 |
| South Wales ..... | .. | .. | .. | 65 4 | 65 | 65 |
| Vale of Neath ..... | .. | .. | .. | .. | .. | .. |

## English Funds.

| English Funds. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Bank Stock ..... | 228 230 | 230 228 | .. | Shut. | Shut. | Shut. |
| 3 per Cent. Red. Ann... | 96½ ½ | 96½ ½ | 96¼ ½ | 96¼ | 96¼ | Shut. |
| 3 per Cent. Cons. Ann... | 95¾ ½ | 96½ ⅝ | 96½ ⅝ | 96 | 96¼ ½ | 96 ½ 6 |
| New 3 per Cent. Ann... | 96½ ½ | 96 ½ ½ | 96½ ½ | 96½ ½ | 96⅝ ½ | Shut. |
| New 2½ per Cent. Ann. | .. | 79½ | .. | .. | 79½ | .. |
| Long Ann. (exp. Jan. 5, 1860) ..... | 1 3-16 | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Jan. 5, 1860) ..... | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Jan. 5, 1860) ..... | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Apr. 5, 1885) ..... | .. | .. | .. | .. | .. | .. |
| India Stock..... | .. | .. | 220 | .. | .. | .. |
| India Loan Debentures.. | 99 8½ | 99 8½ | 99 8½ | 99 | 99 | 99 ½ ½ |
| India Scrip, Second Issue | .. | .. | .. | .. | .. | .. |
| India Bonds (£1,000) .. | .. | .. | .. | .. | 17s p | .. |
| Do. (under £1000)..... | .. | .. | .. | .. | 17s p | 20s p |
| Exch. Bills (£1000) Mar. | 35s 38s p | 37s 39s p | 36s 39s p | 36s 35s p | 35s p | 35s 38s p |
| Ditto June.... | .. | .. | 39s p | .. | .. | .. |
| Exch. Bills (£500) Mar. | .. | .. | 39s p | .. | 35s p | .. |
| Ditto June.... | .. | .. | .. | .. | .. | .. |
| Exch. Bills (Small) Mar. | 38s p | .. | .. | .. | .. | 37s p |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Do. (Advertised) Mar. | 32s 35s p | .. | .. | .. | .. | .. |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Exch. Bonds, 1858, 3½ per Cent. ..... | 100½ | .. | .. | .. | .. | .. |
| Exch. Bonds, 1859, 3½ per Cent. ..... | .. | .. | .. | .. | .. | .. |

## Estate Exchange Report.

*(For the week ending February 26, 1859.)*

AT THE MART.—By Messrs. CHINNOCK & GALSWORTHY.

Leasehold House, No. 16, Stanhope-street; let at £48 per annum; same term and ground-rent.—Sold for £550.

Ditto Residences, Nos. 3 & 4, Robert-street; also 3 and 4, Robert-mews; let together at £149 : 12 : 0 per annum; term, 98 years from Michaelmas, 1823; ground-rent, £14 : 8 : 0.—Sold for £1470.

Leasehold House, No. 5, Robert-street, also No. 5, Robert-mews; let at £71 : 16 : 0 per annum; term, 97 years from Michaelmas, 1824; ground-rent, £9 : 1 : 0.—Sold for £730.

Leasehold Residence, No. 13, Ladbroke-terrace, Notting-hill; term, 84½ years from March, 1838; ground-rent, £10 : 10 : 0 per annum.—Sold for £1630.

The Absolute Reversion to Three-Sevenths of £1155 new 3 per cent. Bank Annuities, payable on the death of a lady aged 71.—Sold for £160.

The Reversion of Three-Sevenths of £900, and £266 : 13 : 4, 3 per cent Consolidated Bank Annuities, payable on the death of a lady aged 71.—Sold for £170.

A Similar Reversion to Leasehold Residence, No. 9, Grove-street, Camden-town; let at £40 per annum; term, 99 years from September, 1804; ground-rent 5 guineas.—Sold for £35.

By Messrs. PETER BROAD & PRITCHARD.

Leasehold House, No. 14, Apollo-buildings, East-street, Walworth; let at £21 per annum; term, 60½ years from Midsummer, 1822; ground-rent, £4.—Sold for £110.

Leasehold House, No. 15, Apollo-buildings; let at £22; same term, ground-rent, £4.—Sold for £105.

Leasehold House, No. 18, Apollo-buildings; let at £21; same term, ground-rent, £3.—Sold for £105.

Leasehold House, No. 11, West-street; let at £28 per annum; 28¾ years from March, 1841; ground-rent, £4.—Sold for £115.

Leasehold Cottages, Nos. 1, 2, & 3, Cottage-grove, West-street, Walworth; let at £18 per annum; held for same term at a peppercorn.—Sold for £100.

The Absolute Reversion to £1206 : 10 : 6, 3 per cent Consols, payable on the death of a gentleman aged 51.—Sold for £330.

Leasehold Houses, Nos. 24 & 25, Carter-street, Walworth; let at £54 per annum; term, 70 years from March, 1825; ground-rent, £16 : 13 : 4.—Sold for £230.

Leasehold, No. 26, Carter-street; let at £35 per annum; same term, ground-rent, £8 : 6 : 8.—Sold for £160.

Leasehold House, No. 27, Carter-street; let at £28 per annum; same term, ground-rent, £8 : 6 : 8.—Sold for £190.

Leasehold Houses, Nos. 28 & 29, Carter-street; let at £56 per annum; same term, ground-rent, £16 : 13 : 4.—Sold for £260.

Leasehold Ground Rent, £14 per annum, secured on the "Beehive" Public House, corner of Carter-street; term, 70 years from March, 1825.—Sold for £310.

Copyhold, Two Houses and Shops, High-street, Mortlake; let at £41 per annum.—Sold for £500.

By Messrs. KING & WELSH.

Leasehold House and Shop, No. 28, Aldenham-terrace, Old-street, Pancras-road; let at £45 per annum; term, 98 years from Lady Day, 1847; ground-rent, £14.—Sold for £350.

Leasehold House and Shop, No. 29, Aldenham-terrace; let at £40 per annum; same term, ground-rent, £12 : 10 : 0.—Sold for £280.

By Messrs. BROMLEY & SON.

Lease and Goodwill of the "Duke's Head" Public House, Norton Folgate; held for 18 years from Christmas last, at £52 : 10 : 0 per annum.—Sold for £900.

Leasehold Houses, Nos. 1 to 7, Brownson's-court, Great Alie-street, Whitechapel; held for 61 years from Christmas, 1829; ground-rent £18 per annum; let at £82 : 16 : 0.—Sold for £275.

Leasehold Houses, Nos. 37 & 38, Florence-road, New Cross; held for 67½ years from Midsummer, 1859; ground-rent, £6 : 8 : 0 per annum; let at £47.—Sold for £455.

Leasehold Houses, No 17 to 19, King-street, and No. 1, North-street, Commercial-road East; held for 40 years from Midsummer next; let at £54 per annum.—Sold for £610.

Leasehold House and Shop, No. 2, Shard's-place, High-street, Peckham; term, 27½ years from Lady Day next; ground-rent, 4 guineas per annum; let at £40 per annum.—Sold for £250.

By Messrs. BATH.

Leasehold Houses, Nos. 6 & 7, Marlboro'-square, Chelsea; term, 50 years unexpired; ground-rent, £14 per annum; annual value, £50.—Sold for £310.

AT GARRAWAY'S.—By Messrs. BARTON & SON.

Leasehold Public-house, "Freemasons' Arms," Courland-grove, Wandsworth-road; let on lease at £40 per annum; held for 80 years from Midsummer, 1847; ground-rent, £12 : 6 : 0.—Sold for £350.

Leasehold Residence, No. 19, Hanover-square, Kennington; let at £30 per annum; term, 99 years from June, 1846; ground-rent, £6.—Sold for £235.

## London Gazettes.

### New Members of Parliament.

TUESDAY, *Mar.* 8, 1859.

BOROUGH OF BURY ST. EDMUNDS.—The Hon. Alfred Hervey (commonly called Lord Alfred Hervey), *vice* the Right Hon. Frederick William Hervey (commonly called Earl Jermyn).

FRIDAY, *Mar.* 11, 1859.

BOROUGH OF TEWKESBURY.—The Hon. Frederick Lygon, of Madresfield Court, Worcester, re-elected.

COUNTY OF WILTS.—*Northern Division.*—The Right Hon. Thomas Henry Sutton Sotheron Estcourt, of Estcourt, Gloucestershire, re-elected.

COUNTY OF SUSSEX.—*Western Division.*—The Right Hon. Charles Henry Gordon Lennox (commonly called Earl of March), re-elected.

### Commissioner to administer Oaths in Chancery.

TUESDAY, *Mar.* 8, 1859.

LONG, SAMUEL WALTER, Gent., Sturminster Newton, Dorsetshire.

REYNOLDS, THOMAS ANDREW FITZGERALD, Gent., Battersea-sq., Battersea.

FRIDAY, *Mar.* 11, 1859.

HAMLEY, GILBERT, Gent., Bodmin.

### Bankrupts.

TUESDAY, *Mar.* 8, 1859.

DUFF, CHARLES, Printer, 113 Cheapside, and 3 Freeman's-ct., Cheapside (Hays, Duff & Co.) and residing at 22 Hill-st., Peckham. *Com.* Evans: Mar. 17, at 1; and April 21, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Lawrance, Plews, & Boyer, Old Jewry-chambers. *Pet.* Mar. 5.

FOWERAKER, WILLIAM JOHN, Innkeeper, White Horse-inn, Gold-st., Tiverton. *Com.* Andrews: Mar. 18, at 1; and April 12, at 11; Exeter. *Off. Ass.* Hirtzel. *Sol.* Fryer, St. Thomas, Exeter. *Pet.* Mar. 4.

GIBBONS, THOMAS, Linen Draper, Castle-st., Edgley, Stockport. Mar. 21 and April 11, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Cobbett & Wheeler, Brown-st., Manchester. *Pet.* Feb. 24.

MABBS, ROBERT, Milkman, Upper-st., Islington. *Com.* Fonblanque: Mar. 16 and April 19 at 12; Basinghall-st. *Off. Ass.* Graham. *Sol.* Weightman, 80 Basinghall-st. *Pet.* Mar. 7.

MERRONY, GEORGE, Licensed Victualler, Marsham-st., and King-st., Maidstone. *Com.* Holroyd: Mar. 22, at 2.30; and April 19, at 2; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Sole, Turner, & Turner, 68 Aldermanbury. *Pet.* Mar. 4.

METCALFE, ALFRED, Draper, Bridlington. *Com.* Ayrton: Mar. 23 & April 20, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Richardson, Bridlington; or Clarke, Leeds. *Pet.* Mar. 5.

NEWMAN, THOMAS, General Shopkeeper, Hindolveston, Norfolk. *Com.* Fonblanque: Mar. 23, at 1.30; and April 19, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Doyle, 2 Verulam-bldgs.; or Drake, East Dereham. *Pet.* Mar. 3.

UNWIN, EDWIN FREDERICK, Hosier, 164 Strand. *Com.* Holroyd: Mar. 22, at 2; and April 19, at 1; Basinghall-st. *Off. Ass.* Lee. *Sols.* Goddard & Eyre, 101 Wood-st., Cheapside. *Pet.* Mar. 3.

WEBB, ROBERT, Apothecary, Carnboro' House, East India-rd. *Com.* Goulburn: Mar. 21, at 11; and April 18, at 1; Basinghall-st. *Off. Ass.* Pennell. *Sols.* Harrison & Lewis, 6 Old Jewry. *Pet.* Mar. 1.

FRIDAY, *Mar.* 11, 1859.

BAXTER, JOSEPH, Builder, Gooch-st., Birmingham. *Com.* Sanders: Mar. 26 and April 15, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Collis & Ure, Birmingham. *Pet.* Feb. 24.

BENDEL, JOHN WESTON, Carman, 11 Well-st., Wellclose-sq., and 13 John-st., Minories. *Com.* Holroyd: Mar. 25, at 1; and April 23, at 12; Basinghall-st. *Off. Ass.* Lee. *Sol.* Scott; 4 Skinner-st., Snow-hill. *Pet.* Mar. 8.

ELLIOTT, JOHN, Blacksmith, Farnham, Surrey. *Com.* Fane: Mar. 25 and April 29, at 12; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Reeve & Mayhew, 10 Tokenhouse-chambers. *Pet.* Mar. 9.

GREGORY, WILLIAM JOLIFFE, Innkeeper, Kingweston, Somersetshire. *Com.* Hill: Mar. 21 and April 19, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Hobbs & Alders, Wells; or Brittan & Son, Bristol. *Pet.* Mar. 8.

HAWKES, EDWARD, Tobacconist, Birmingham. *Com.* Sanders: Mar. 21 and April 18, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Harrison & Wood, Birmingham. *Pet.* Feb. 26.

HUGGINS, FRANCIS WITTON, & CHARLES WITTON HUGGINS, Wine & Spirit Merchants, Derby. *Com.* Sanders: Mar. 22 and April 19, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Gamble, Derby. *Pet.* Mar. 8.

HUNT, JAMES, Miller, Warwick. *Com.* Sanders: Mar. 28 and April 18, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Newsome, Warwick; or James & Knight, Birmingham. *Pet.* Mar. 10.

JENKINS, JONAH, Boot & Shoe Maker, Llanharran, Glamorganshire. *Com.* Hill: Mar. 22 and April 19, at 11; Bristol. *Off. Ass.* Acraman. *Sol.* Miller, Nicholas-st., Bristol. *Pet.* Mar. 2.

LACEY, EDWARD, Maltster & Builder, Horwick, Derbyshire, late of Birmingham. Mar. 23 and April 20, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* James & Knight, Birmingham; or Sale & Co., Manchester. *Pet.* Mar. 4.

LAMBERT, JOHN, Tailor, Nottingham. *Com.* Sanders: Mar. 22 and April 19, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Smith, Birmingham. *Pet.* Mar. 9.

LEAKE, THOMAS, Furniture Dealer, Nottingham. *Com.* Sanders: Mar. 22 and April 19, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Cann, Nottingham. *Pet.* Mar. 9.

MASTERS, WALTER BOUTCHER, Draper, Hackney-rd. *Com.* Fane: Mar. 25 and April 29, at 1.30; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Davidson, Bradbury, & Hardwick, Weavers'-hall, 22 Basinghall-st. *Pet.* Mar. 10.

MORRIS, GEORGE, Licensed Victualler, White Hart Tavern, King Edward-st., Newgate-st. *Com.* Fonblanque: Mar. 23, at 12.30; and April 27, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Edwards, 15 Coleman-st. *Pet.* Mar. 8.

SLATOR, THOMAS, Grocer, late of 5 Maida-hill East, now of 11 Park-pl., Paddington. *Com.* Goulburn: Mar. 28 and April 30, at 11; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Selby, 2 King's Arms-yd., Coleman-st. *Pet.* Mar. 5.

WHEELER, ROBERT, Oil & Colourman, 36 Crawford-st., Bryanston-sq. *Com.* Evans: Mar. 24, at 11.30; and April 21, at 11; Basinghall-st. *Off. Ass.* Bell. *Sol.* Beard, 18 Basinghall-st. *Pet.* Mar. 9.

BANKRUPTCY ANNULLED.

TUESDAY, *Mar.* 8, 1859.

PRICE, ROLAND, Scrivener & Share Dealer, Stourbridge, Worcestershire.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Mar.* 8, 1859.

ANDREWS, NICHOLAS, & THOMAS ANDREWS, Ironmongers, Gateshead. Mar. 30, at 12; Newcastle-upon-Tyne; sep. est. of T. Andrews.

CADMAN, JOHN, Brick-maker, Upholland and Billinge, Lancashire. Mar. 18, at 12; Liverpool.

CHURCHOUSE, THOMAS, Grocer, Briton Ferry, Neath, Glamorganshire. April 7, at 11; Bristol.

CREDLAND, JAMES, Builder, Hulme, Lancashire. April 7, at 12; Manchester.

DRAKE, GEORGE, Watch-Maker, 13 Ludgate-hill, and Upper-st., Islington. Mar. 30, at 1; Basinghall-st.

ELSWORTH, JOHN, Naphtha Manufacturer, Kingston-upon-Hull. Mar. 30, at 12; Kingston-upon-Hull.

GREATOREX, HENRY, Hotel Keeper, Llanwrst, Denbighshire. April 8, at 11; Liverpool.

HEDLEY, JOHN WATSON, Plumber, South Shields. Mar. 30, at 11.30; Newcastle-upon-Tyne.

HOWARD, FREDERICK JAMES, Grocer, 84 High-st., Chatham. Mar. 18, at 11.30; Basinghall-st.; by adjt. from Feb. 15.

JONES, WILLIAM BUCKLEY, & HENRY DERMOT DEMPSEY, Ship Builders, Liverpool (W. B. Jones & Co.) April 8, at 11; Liverpool.

LEVY, JOSEPH, General Dealer, 29 Jewry-st., Aldgate. Mar. 31, at 12; Basinghall-st.

PAPINEAU, WILLIAM, Manufacturing Chemist, Chemical Works, Harrow Bridge, Stratford (W. Papineau & Co.) Mar. 30, at 11; Basinghall-st.

PARKER, GEORGE, Copper Merchant, Kingston-upon-Hull (John Parker & Sons). Mar. 30, at 12; Kingston-upon-Hull.

PICKERING, WILLIAM, Bookseller, 177 Piccadilly. Mar. 29, at 2; Basinghall-st.

ROBINSON, GEORGE JONATHAN, Merchant, Nottingham. May 3, at 11; Nottingham.

THOMAS, RICHARD, Ship Builder, Conway. Mar. 31, at 11; Liverpool.

THOMPSON, JOHN, Publican, Slip Inn, Stainmoor, Brough. Mar. 29, at 12; Newcastle-upon-Tyne.

WOODMANCY, GEORGE, Coal Merchant, Glamford Briggs, Lincolnshire. Mar. 30, at 12; Kingston-upon-Hull.

WOOLF, JOHN, Smallware Manufacturer, Manchester. April 1, at 12; Manchester.

FRIDAY, *Mar.* 11, 1859.

BARTLETT, THOMAS BARRETT, Tailor, 6 Middle-row, Knightsbridge. April 4, at 12; Basinghall-st.

BALDWIN, HENRY, & JOHN BALDWIN, Tailors, 31 Cornhill, and of Tom's Coffee-house, Cowper's-ct., Cornhill, Tavern Keepers. April 4, at 2; Basinghall-st.

BYERS, MICHAEL, & THOMAS BYERS, Ship Builders, Monkwearmouth Shore, Sunderland. April 4 (*not* Mar. 28, as previously advertised), at 11; Newcastle-upon-Tyne.

CHITTY, HENRY JOHN, Linen Draper, Farnham, Surrey. April 1, at 1.30; Basinghall-st.

COLLINS, CHARLES, & WILLIAM FREDERICK COLLINS (C. & W. F. Collins), Drapers, 21, 22, & 23 Lower Sloane-st. Mar. 22, at 1; Basinghall-st. (by adj. from Feb. 9).

DAY, WILLIAM ANSELL, Brickmaker, Hadlow House, Mayfield, and Money Scrivener, 18 New Bridge-st. Mar. 23, at 1.30; Basinghall-st.

MORGAN, HENRY MANNINGTON, Shipowner, Victoria-sq., Reading. Mar. 29, at 1.30; Basinghall-st.

MONUMENT, HENRY, Victualler, Britannia Tavern, 4 Caroline-pl., City-rd. April 4, at 2; Basinghall-st.

NURSE, GEORGE, Livery Stable-keeper, 22 Red Lion-yard, Old Cavendish-st. April 1, at 11.30; Basinghall-st.

PAVITT, WILLIAM, & DANIEL PAVITT, 30 Alfred-st., Bow-rd., and GEORGE PAVITT, Millers, Myddleton-rd., Kingsland-rd. (Pavitt & Co.) April 4, at 11; Basinghall-st.

PELHAM, GEORGE BROWNE, Builder, 11 Albert-st., Camden-town. April 1, at 12; Basinghall-st.

ROBINSON, RICHARD, Wholesale Spirit & Bottle Beer Merchant, 14 King William-st., Strand. April 1, at 12.30; Basinghall-st.

SHEARD, JAMES, Corn Factor, Huddersfield. April 5, at 11; Leeds.

TATLEY, JOHN HUMPHREYS, Brewer, Hindley, Lancashire. April 4, at 12; Manchester.

THOMPSON, JOHN, Publican, Slip-inn, Stainmoor, Brough, Westmoreland. April 11, at 12 (instead of Mar. 29); Newcastle-upon-Tyne.

THORBURN, JOHN, Bookbinder, 3 Playdell-st., Fleet-st., and 51 Lower Stamford-st. April 1, at 2; Basinghall-st.

## CERTIFICATES.

*To be* ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Mar.* 8, 1859.

CONNITT, RICHARD, Commission Agent, Kingston-upon-Hull. April 6, at 12; Kingston-upon-Hull.

FITCHETT, RICHARD THOMAS, Tailor, 6 Hanover-st., Hanover-sq. Mar. 29, at 2; Basinghall-st.

HAYES, WILLIAM STONE (under the name of WILLIAM HAYES), Outfitter & Hatter, Liverpool. April 8, at 11; Liverpool.

HILL, CHARLES JAMES, Grocer, Birmingham. Mar. 31, at 11; Birmingham.

MANBY, GEORGE, Licensed Victualler, Sudbury. Mar. 30, at 1.30; Basinghall-st.

NEWBOLD, JOHN DAVIDSON, Toyman, Lincoln. April 6, at 12; Kingston-upon-Thames.

PRANGLEY, WILLIAM, Music Seller, Salisbury. Mar. 30, at 1; Basinghall-st.

ROBERTS, WILLIAM, Grocer, King's Lynn. Mar. 30, at 11.30; Basinghall-st.

SOMALVICO, VINCENT, Manufacturing Optician, 14 Charles-st., Hatton-garden (Vincent Somalvico & Co.) Mar. 29, at 11.30; Basinghall-st.

TOMES, BENJAMIN, Jeweller, Birmingham. Mar. 31, at 11; Birmingham.

WEBB, HENRY, Upholsterer, 14 & 15 Cannon-st., and 9 Brixton-pl., Brixton. Mar. 31, at 1.30; Basinghall-st.

WILLMOT, THOMAS, Builder & Brickmaker, Eastbourne, Sussex. Mar. 31, at 2; Basinghall-st.

WOOLF, JOHN, jun., Smallware Manufacturer, Manchester. Mar. 31, at 12; Manchester.

FRIDAY, *Mar.* 11, 1859.

ARNSBY, GEORGE EKINS, Boot & Shoe Manufacturer, Earl's Barton, near Northampton. April 4, at 12; Basinghall-st.

BAYLIS, RICHARD CASTLE JONES, Shoe Mercer, 3 Lilly Pot-lane, and 36 Jewin-st. April 4, at 1; Basinghall-st.

BENCH, GEORGE, Innkeeper, Cheltenham. April 12, at 11; Bristol.

DARBY, WILLIAM, Travelling Comedian, late of Harrogate, York, Bradford, and other places, trading under the name or style of Pablo Fanque. April 19, at 11; Leeds.

KING, CHARLES, Silk Mercer, Newington-causeway. April 1, at 11.30; Basinghall-st.

NIX, HENRY, Miller, Werrington, Northamptonshire. April 2, at 11; Basinghall-st.

NURSE, GEORGE, Livery Stable Keeper, 22 Red Lion-yd., Old Cavendish-sq. April 1, at 11.30; Basinghall-st.

SANDERS, PHILIP WILLIAM, Spade Manufacturer, Smethwick, Staffordshire. April 18, at 11; Birmingham.

*To be* DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Mar.* 8, 1859.

BLACKHAM, GEORGE (Blackham Brothers), Grocer, Birmingham. Mar. 4, 3rd class.

BOXELL, JOHN, Commission Agent, Hephzibah-ter., Grange-rd., Dalston. Mar. 1, 2nd class.

CARR, JOSEPH, Licensed Victualler, Alcester, Warwickshire. Mar. 4, 1st class.

CHEETHAM, JOHN, General Dealer, New-st., Birmingham. Mar. 4, 1st class.

COGGIN, JOSEPH, Grocer, Swinton, Wath-upon-Dearne, Yorkshire. Feb. 24, 2nd class, subject to a suspension of 21 days.

DRAKE, GEORGE, Watch Maker, 18 Ludgate-hill, and Upper-st., Islington. Mar. 5, 2nd class.

FISHER, SAMUEL, Tailor, Birmingham. Feb. 28, 1st class.

HOW, FREDERICK, Butcher, Whitstable, Kent. Mar. 3, 3rd class.

FITZMAURICE, GEORGE LIONEL, Boarding & Lodging-house Keeper, 97 Gloucester-pl., Portman-sq. Feb. 23, 3rd class, after a suspension of 6 months.

HUNTER, THOMAS, Grocer, Rochdale. Mar. 1, 3rd class.

MANCHIN, EMMANUEL MARIE, Tailor, 258 High-st., Exeter, trading under the name of George Carteret, and late of 5 Foley-pl., Cavendish-sq. Feb. 24, 3rd class.

PARKER, GEORGE, Copper Merchant, Kingston-upon-Hill (John Parker & Son). Mar. 2, 3rd class, after a suspension of 21 days.

PHILPS, HENRY, Draper, Cornbury-pl., Old Kent-rd, and of North-st., Brighton. Mar. 1, 3rd class.

WILLIAMS, WILLIAM, Innkeeper, Melton Mowbray. Mar. 1, 3rd class.

## Assignments for Benefit of Creditors

TUESDAY, *Mar.* 8, 1859.

BROMHAM, LOUIS, Butcher, Aldershot. Feb. 10. *Trustees*, R. Beale, Miller, Frensham; H. White, Dealer, Broad Oak, Oldham. *Sol.* King, Basingstoke.

RELF, WILLIAM HENRY, Chemist, 4 Granville-ter., Lewisham. Mar. 3. *Trustee*, T. Holder, Bottle Merchant, Cumberland-row, Walworth. *Sol.* Miller, 15 Clifford's-inn.

ROBINSON, WILLIAM HENRY, Grocer, Salford. Feb. 24. *Trustee*, J. Entwistle, Public Accountant, Manchester. *Sol.* Hewitt, Manchester.

SHEWBROOKS, WILLIAM, Builder, Taunton. Feb. 21. *Trustees*, J. E. Germaine, Timber Merchant, Bristol; R. Herniman, Timber Merchant, Taunton. *Sol.* Woodland, Taunton.

FRIDAY, *Mar.* 11, 1859.

ADAMS, NICHOLAS BARTLETT, Innkeeper, Weston-super-Mare. Mar. 5. *Trustees*, T. Richards, Fishmonger, Weston-super-Mare; W. Wilcox, Potter, Weston-super-Mare. *Sol.* Chapman, Weston-super-Mare.

CALKIN, JAMES, Draper, Rothbury, Northumberland. Feb. 21. *Trustees*, S. Tetley, Merchant, Bradford; and Others. Creditors to execute before May 21. *Sol.* Watson, Bradford.

CLEMESHA, JOHN, Merchant, Kingston-upon-Hull. Feb. 22. *Trustees*, J. M. Davy, Wine & Spirit Merchant, Kingston-upon-Hull; W. A. Anderson, Banker's Clerk, Kingston-upon-Hull. *Sol.* Holden, Kingston-upon-Hull.

M'PARLIN, PATRICK, Milliner, 91 Scotland-rd., Liverpool. Mar. 3. *Trustees*, W. Butterfield, Merchant, Piccadilly, Manchester; J. W. Barry, Merchant, Mosley-st., Manchester. *Sols.* Chilton, 2 Orchard Hey, Walton-on-the-Hill.

PROUD, WILLIAM, Innkeeper, Lobster House, Yorkshire. Feb. 19. *Trustees*, R. Skilbeck, Farmer, Bilton-grange, Yorkshire; R. Freer, Butcher, Bolton-le-Willows, Yorkshire. *Sol.* Mann, 2 New-st., York.

SMITH, THOMAS, Builder, Manchester. Feb. 19. *Trustees*, W. Worsley, Brickmaker, Stretford; J. Winfield, Plumber, Manchester. *Sol.* Popplewell, 7 Town-hall-chambers, Essex-st., Manchester.

WALDER, MERRICK, Draper, Hammersmith. Mar. 8. *Trustees*, W. H. Chapman, Market Gardener, Starch-green, Hammersmith; T. W. Elstob, Warehouseman, Wood-st. *Sol.* Argles, 68 Cheapside.

WARREN, RICHARD, Shopkeeper, St. Just, Penwith, Cornwall. Mar. 7. *Trustees*, J. Cock, Miner, J. M. Bromley, R. M. Brunwell, and T. H. Bodilly, jun., all of the Borough of Penzance. *Sol.* Borlase, Penzance.

WILLIAMS, ELLEN, Coach Builder, Abergavenny, Monmouthshire. Mar. 2. *Trustees*, W. Price, Grocer, J. A. Lewis, Ironmonger, and J. Lodge, Currier, all of Abergavenny. *Sol.* Tomkins, Abergavenny.

## Creditors under Estates in Chancery.

TUESDAY, *Mar.* 8, 1859.

ANGELL, BENEDICT JOHN ANGELL, Gent., Rumsey House, Wiltshire (who died in or about the month of Nov. 1856). Evans *v.* Angell, M. R. *Last Day for Proof*, April 18.

BAYLEY, THOMAS, Pilot, Deal (who died in or about the month of Mar. 1845). Gibbons and Others *v.* Hopper and Others, V. C. Wood. *Last Day for Proof*, April 11.

BRADSHAW, JOHN, Yeoman, Lamberhead-green, Lancaster (who died in or about the month of April, 1856.) Bradshaw *v.* Bradshaw, V. C. Kindersley. *Last Day for Proof*, Mar. 26.

DALRYMPLE, GEORGE HADINTON, Lieutenant and Paymaster in her Majesty's 91st Regiment of Foot, late of the Piræus, Greece (who died in or about themonth of June, 1856). Smith *v.* Dalrymple, V. C. Stuart. *Last Proof*, April 11.

GABB, BAKER, Solicitor, Llyndu, Abergavenny (who died in or about the month of Sept. 1858). Gabb and Others *v.* Gabb, V. C. Wood. *Last Day for Day for Proof*, Mar. 23.

LEA, MARY, Spinster, Boughton, Chester (who died in or about the month of Jan. 1856). Hill *v.* Weaver, V. C. Wood. *Last Day for Proof*, Mar. 21.

SMITH, JANE MELIORA, Widow, Southampton-row, Bloomsbury (who died in April, 1830); also MARIA SMITH, Spinster, Chester-pl., Regent's-pk. (who died in Dec., 1851); and also THOMAS PATERSON SMITH, Esq., formerly a Major-General in the service of the Hon. East India Company, on their Bengal establishment, afterwards of Wellington-sq., Hastings, and late of Chester-pl. (who died in Oct., 1852). Wilton *v.* Ellis & Others, V. C. Kindersley. *Last Day for Proof*, April 12.

STANDLY, GEORGE, Gent., Chesterfield, near Lichfield (who died on Jan. 10, 1858). Re Standly's Estate, V. C. Stuart. *Last Day for Proof*, April 11.

WALKER, WILLIAM, Farmer, Enfield-highway (who died in or about Aug., 1858). Walker & Others *v.* Page & Another, V. C. Wood. *Last Day for Proof*, April 11.

WILCOCK, THOMAS, Cabinet Maker, Lancaster. Wilcock & Another *v.* Wilcock & Another, V. C. Kindersley. *Last Day for Proof*, April 11.

FRIDAY, *Mar.* 11, 1859.

AGGETT, THOMAS, Gent., 3 Walbrook-bldgs. (who died in or about the month of June, 1858). Kenrich *v.* Aggett, V. C. Kindersley. *Last Day for Proof*, April 15.

BATCHELAR, HENRY, Yeoman, Brockham-green, Betchworth (who died in or about the month of Oct. 1857). Batchelar *v.* Batchelar, M. R. *Last Day for Proof*, April 15.

CAMPBELL, Sir EDWARD ALEXANDER, K.C.B., Lieutenant-Colonel of 3rd Regt. Bengal Light Cavalry, 5 Argyll-pl., and 14 Wellington-rd., St. John's-wood (who died on or about the 25th day of Aug., 1850); and of DAME ELIZA SOPHIA CAMPBELL, his Widow, late of Hawley-rd., Kentish-town (who died on or about Dec. 3, 1852). Campbell and Another *v.* Campbell and Others, V. C. Stuart. *Last Day for Proof*, Mar. 30.

CATTAM & HALLEN, Engineers, 2 Winsley-st., and 76 Oxford-st., and at Cornwall-rd., Lambeth. Cattam *v.* Hallen, V. C. Kindersley. *Last Day for Proof*, April 13.

DAVIES, THOMAS, Wholesale Tea Dealer, Cannon-st. (who died in May, 1858). Davies *v.* Weston, V. C. Kindersley. *Last Day for Proof*, April 14.

JONES, JOHN, Gent., Crown-st., Liverpool (who died on April 9, 1858). Re Jones' Estate, Jones & others *v.* Radcliffe & another, office of Registrar for Liverpool District. *Last Day for Proof*, April 8.

KIRK, THOMAS, Butcher, Sheffield (who died on Oct. 6, 1858). Ellis *v.* Kirk, V. C. Kindersley. *Last Day for Proof*, April 15.

PUGH, JOHN, Gent., 187 Regent-st. (who died in or about the month of Nov., 1857). Webster *v.* Pugh and others, V. C. Stuart. *Last Day for Proof*, April 13.

WELDON, THOMAS, Esq., Bramley-hall, Handsworth, Yorkshire (who died on or about Dec. 4, 1846). Weldon *v.* Hoyland, V. C. Kindersley. *Last Day for Proof*, April 11.

## Windings-up of Joint Stock Companies.

FRIDAY, *Mar.* 11, 1859.

UNLIMITED IN CHANCERY.

BRITISH, COLONIAL, & FOREIGN SUGAR COMPANY.—Creditors to come in and prove their debts before V. C. Kindersley, at his Chambers.

MEXICAN & SOUTH AMERICAN COMPANY.—The Master of the Rolls will, on Mar. 16, at 12, at his Chambers, make a call on the Contributories of £4 per Share.

MEXICAN AND SOUTH AMERICAN COMPANY.—The Master of the Rolls orders, on Mar. 21, a Call of £5 per share.

ST. GEORGE BENEFIT BUILDING SOCIETY.—V. C. Kindersley orders, on Mar. 17, a Call of £3 per share to be made on all the Contributories.

LIMITED, IN BANKRUPTCY.

HUNGERFORD HALL DINING COMPANY (LIMITED).—Com. Fonblanque will, on April 12, at 1, at Basinghall-st., settle the list of Contributories.

## Scotch Sequestrations.

TUESDAY, *Mar.* 8, 1859.

FERGUSON, WILLIAM, Boot & Shoe Maker, Coupar Angus, Perthshire. Mar. 17, at 12; Strathmore-arms-hotel, Coupar Angus. *Seq.* Mar. 4.

LAIDLAW, GEORGE (G. & J. Laidlaw), Farmer, Contin, and Letterewe, co. Ross. Mar. 16, at 12; National-hotel, Dingwall. *Seq.* Mar. 1.

NIVEN, DAVID, & THOMAS NIVEN (D. Niven & Sons), Blacksmiths, Springfield-pl., Glasgow. Mar. 15, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Mar. 5.

SWANSON, JOHN SINCLAIR, Farmer, Ham, Caithness. Mar. 17, at 12; Bain's Royal-hotel, Thurso. *Seq.* Mar. 3.

WILSON, ROBERT, Flesher, Nelson-st., Edinburgh. Mar. 14, at 12; Stevenson's Sale-rooms, St. Andrew's-sq., Edinburgh. *Seq.* Mar. 3.

FRIDAY, *Mar.* 11, 1859.

BLACK, WILLIAM, Wholesale Provision Merchant, East Howard-st., Glasgow. Mar. 18, at 12; Faculty-hall, St. George's-pl. *Seq.* Mar. 9.

SMITH, JAMES BARCLAY, Watchmaker & Jeweller, Cumnock, presently Prisoner in the Prison of Ayr. Mar. 21, at 12; Dumfries Arms-inn, Cumnock. *Seq.* Mar. 9.

WARNOCK, WILLIAM, sometime Grocer, 336 St. Vincent-st., Glasgow, and 87 Stobcross-st., thereafter as Spirit Merchant at 82 North-st., and presently at 15 Richard-st. Mar. 18, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Mar. 7.

TO BE SOLD, pursuant to a decree of the High Court of Chancery, made in a cause "BERNARD v. ABBOTT," by MESSRS. BEADEL & SONS, at the AUCTION MART, BARTHOLOMEW-LANE, in the City of LONDON, on TUESDAY, the 29th day of MARCH, 1859, at TWELVE, for ONE O'CLOCK in the afternoon, with the approbation of Vice-Chancellor Sir Richard Torin Kindersley, the Judge to whose Court the said cause is attached, in three Lots, the following Freehold and Copyhold Property; that is to say—

Lot 1. A FREEHOLD and COPYHOLD ESTATE (almost entirely redeemed from Land Tax), known as the "Greenwood Estate," situate in the parish of Durley, in the County of Southampton, comprising a brick-built and tiled family residence, with the homestead and appurtenances, and 325a. 3r. 8p. of arable, pasture, and woodland, lying within a ring fence, and divided into enclosures.

Lot 2. Two enclosures of Accommodation Land, copyhold of the Manor of Bishop's Waltham, and three allotments adjoining the same, and abutting on the road at the northern extremity of Lot 1, and containing 15a. 1r. 37p., or thereabouts.

Lot 3. Three allotments, at present unenclosed, situate on Durley Common, abutting on the road, and opposite to Lot 2, and containing 3a. 2r. 9p., or thereabouts.

The property may be viewed by permission of the tenants, and printed particulars and conditions of sale may be had (gratis) with lithographic plans of the estate, of Messrs. Capron, Brabant, Capron, & Dalton, Savile-place, New Burlington-street, London; of Messrs. Coverdale, Lee, Purvis, & Collyer, No. 4, Bedford-row; at the Mart; and of Messrs. Beadel & Sons, No. 25, Gresham-street, London, E.C.

FREDc. E. EDWARDS, Chief Clerk.

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TO BE SOLD, pursuant to a Decree of the High Court of Chancery, made in a cause of "COTTAM v. HALLEN," by MR. GEORGE ROBINSON, on TUESDAY, the 5th day of APRIL, 1859, at TWELVE for ONE O'CLOCK in the afternoon, with the approbation of Vice-Chancellor Sir Richard Torin Kindersley, the Judge to whose Court the said cause is attached, at No. 76, Oxford-street, in the county of Middlesex, in one lot.

The LEASEHOLD MESSUAGE or TENEMENT, with the appurtenances, situate No. 76, Oxford-street aforesaid, together with the several tenants' fixtures and fittings therein, the property of the vendors.

Printed particulars and conditions of sale may be had (gratis) of Mr. Kinsey, Solicitor, 9, Bloomsbury-place, London; of Messrs. Dunn & Surtees, Solicitors, Raymond-buildings, Grays'-inn, London; of Messrs. Harding, Pullein, & Co., Accountants, Serle-street, Lincoln's-inn; and of the Auctioneer, No. 21, Old Bond-street.—Dated this 5th day of March, 1859.

FREDc. E. EDWARDS, Chief Clerk.

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ADVOWSON OF TARRANT HINTON, Dorset.

MESSRS. DANIEL SMITH, SON, and OAKLEY, have received instructions to offer for SALE, at the MART, near the Bank of England, on WEDNESDAY, APRIL 20, 1850, instead of 23rd MARCH, as previously advertised, the ADVOWSON of TARRANT HINTON, near Blandford, on the old turnpike road to Exeter, and in a delightful neighbourhood. The Parsonage is a modern Elizabethan erection, adapted for the residence of a good family. The glebe contains 82 acres, and the tithes have been commuted at £335 per annum. The present incumbent is in his 42nd year.

Further particulars will shortly appear; and information in the meantime may be had of Thomas Coombes, Esq., Solicitor, Dorchester; of Messrs. J. & W. Galsworthy, Solicitors, 12, Old Jewry Chambers; and of Messrs. Daniel Smith, Son, & Oakley, Land Agents and Surveyors, 10, Waterloo-place, Pall-mall.

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CHAMBERS IN THE ADELPHI.

MR. GEORGE BERRY is instructed, by the administrator of the late Miss Roe, to SELL by AUCTION, at the MART, on TUESDAY, MARCH 15th, at TWELVE for ONE o'clock, those desirable and conveniently arranged suit of chambers on the first floor of No. 19, Buckingham-street, Adelphi; let on lease at £55 per annum; held for 35 years at £7 a year; also the complete suite of chambers on the second floor of No. 1, James-street, Adelphi, held for eight years at £7, and let on lease for the whole term at £30 per annum.

May be viewed by permission of the respective tenants, and particulars had at the Mart; of F. Herbert, Esq., 20, Royal Avenue-terrace, S.W.; of C. O. Hoare, Esq., 4, Essex-court, Temple, E.C.; and of the Auctioneer, 8a, Motcombe-street, Belgrave-square, S.W.

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TWICKENHAM.—The important estate known as Twickenham Meadows, opposite to Richmond-hill and Petersham-woods, for many years the property and residence of the late Archdeacon Cambridge, comprising an elegant villa residence and about thirty acres of land, with an extensive frontage to the river.

MESSRS. RUSHWORTH & JARVIS beg to notify to the numerous applicants that they are now instructed by the joint legatees to announce that the SALE of this valuable estate will peremptorily take place at the MART, on FRIDAY, MARCH 25th, unless an acceptable offer be previously made by private treaty. The property is approached by a lodge entrance from the main road leading from Richmond to Twickenham, and extends from thence to the river, to which it possesses a frontage of nearly half-a-mile, and from its unrivalled situation, combined with the facility of communication with the metropolis, the estate is particularly eligible for building purposes, either in the erection of two or more additional detached villas, facing the river, conformable to the present residence, or for the more extensive operation of a building society, or large speculative capitalist.

Printed particulars, with plans, may be obtained at the "Star and Garter," and "Castle" Hotels, Richmond; the place of sale; of Messrs. Nicholl, Burnett, and Newman, Solicitors, 18, Carey-street, Lincoln's-inn; and at the offices of Messrs. Rushworth & Jarvis, Saville-row, Regent-street, and 19, Change-alley, Cornhill, of whom cards to view the property may be obtained.

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CHELSEA INVESTMENT.

MR. GEORGE BERRY is instructed, by the administrator of the late Miss Roe, to SELL by AUCTION, at the MART, opposite the Bank of England, on TUESDAY, MARCH 15th, at TWELVE for ONE o'clock, a well-built and convenient HOUSE, containing 8 rooms, with garden, being No. 46, Smith-street, King's-road, Chelsea, in hand, but of the annual value of £35, held for 35 years at £4 10s. ground-rent.

May be viewed, and particulars had at the Mart; of F. Herbert, Esq., 20, Royal Avenue-terrace, King's-road, Chelsea, S.W.; of C. O. Hoare, Esq., 4, Essex-court, Temple, E.C.; and of the Auctioneer, 8a, Motcombe-street, Belgrave-square, S.W.

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LEX.—A person charged with an offence in Scotland, and a verdict returned of "Not Proven," is not liable to be arraigned a second time for the same offence.

# THE SOLICITORS' JOURNAL.

*LONDON, MARCH* 19, 1859.

## CURRENT TOPICS.

The Bill of the Lord Chancellor for providing accommodation for the Courts of Equity, and that of Lord John Manners for providing a site for the Court of Probate, will scarcely be considered as satisfactory, either by the public or the profession. As tending to perpetuate the separation of courts, they ought to be vigorously resisted. To place the Probate Court at Doctors' Commons is against the whole policy of the recent Acts establishing the Probate and Divorce Courts. With regard to the fund out of which it has been proposed to erect new courts of law and equity in one locality, we are quite unable to understand on what grounds the Chancellor considers it as property belonging to the Court of Chancery. But, supposing that were so, the next question would be, to whom does the Court of Chancery belong? Surely to the public at large, and not to the suitors.

The two Bankruptcy Bills have each achieved another stage of their progress. The Lord Chancellor's Debtor and Creditor Bill has passed the third reading in the Upper House, and Lord John Russell's measure a second reading in the Lower. The prospects of the latter are becoming more and more clear. Its principles are ably and strongly supported in the Commons, where a disposition to set aside the rival Bill in its favour is evident. Its supporters seem averse to the plan of referring both Bills to a special committee, and if that plan is not adopted, the chances are vastly in favour of Lord John Russell's measure. The division, on Thursday, on the clauses relating to the official assignees in the Lord Chancellor's Bill, shows that the opposition to the same clauses in Lord John Russell's will not be insurmountable.

There appears to be little doubt that the Solicitor-General's Landed Estates Bills will become law this session; unless, indeed, the opposition which they are expected to meet with in the House of Lords from Lord St. Leonards has an effect which Mr. Malins has failed to produce in the House of Commons. Mr. Malins, by his long and varied experience, both as a conveyancer and a leading counsel in Court, is qualified, beyond any other member of the House, to pronounce an opinion upon the merits of the scheme in question; and his detailed and able statement, on Tuesday evening, of the difficulties which attend legislation on the subject, and of what he considered to be defects in Sir Hugh Cairns' measure, would probably have proved a very serious impediment to the further progress of the Bills, if the House had not been so resolutely bent upon their unqualified adoption. Possibly Lord St. Leonards will not be more successful in the Lords. It is certainly to be regretted that Parliament should thus accept with implicit trust a scheme of such magnitude. Among conveyancers and others in both branches of the profession, including many of those who are not opposed to the principle of a Landed Estates Court, numerous practical objections to Sir H. Cairns' proposition have been started; while a strong feeling exists generally against the cumbrous machinery of the Registry Bill, even among those who are favourable to registration of title. It is to be hoped, therefore, that, although the House of Lords should do nothing else, it may at least substitute some plan of local registry in place of the proposed metropolitan office, not the least evil of which would be the enormous and expensive system of centralization which it involves, without any occasion or advantage whatever.

## OFFICIAL TRUSTEES.

Mr. Rochfort Clarke, in a letter to the Lord Chancellor, calls attention to the present anomalous position of trustees, who are desirous, and *entitled*, to be discharged from their trusts, where no new trustees satisfactory to the Court can be found. In such a case, even though an order has been made for the discharge of a trustee, and the appointment of another in his place, it may—and, in fact, sometimes does—appear that, owing to the peculiarly complicated or onerous character of a trust, a trustee is unable to find such a substitute as the Court will accept. In theory, indeed, it is not his duty to procure a substitute; but, practically, notwithstanding the order of the Court declaring that a trustee is entitled to be relieved of the trust, he remains burdened with it until somebody else accepts the trust, with the sanction of the Court. Mr. Clarke proposes as a remedy the appointment of a Trustee-General, or an Official Trustee, in whom, or the Accountant-General, according to the quality of the estate, it should at once vest, in such a case.

While admitting the existence of the evil, which he points out in a very perspicuous manner, we object, for divers reasons, to his proposed cure, which, in truth, differs very little from the scheme propounded to the Law Amendment Society two years ago by Mr. Serjeant Woolrych. It would be possible, no doubt, to afford relief to a trustee under the circumstances, by vesting the trust property in the Court, or in one of its officers; but the relief of the trustee is not the only consideration to be kept in view. If it were, the easiest mode of discharging him from all future liability and trouble would be, to make an order simply to that effect. There must be some one, however, to represent the trust estate. To talk of the Court of Chancery doing so is to use words without any definite meaning. It would be a waste of time to argue that the Court could assume neither the active duties nor the necessary personality of a trustee. Mr. Clarke, then, would make us resort to a Trustee-General or an official trustee. Another invocation of officialism,—of late years, the invariable *Deus ex machinâ*, in our legislation! By the time that the State has undertaken to investigate all our titles, to draw all our conveyances and wills, to be the arbitrator of all our disputes, and the administrator of the estates of all our debtors and deceased persons, such a proposition as Mr. Clarke's may possibly receive favourable

consideration from those competent to judge of it; but we earnestly hope not before then. We are not told whether the proposed new officials should be paid by salaries out of the Consolidated or Suitors' Fee Fund, or by costs out of the trust estates under their management. There is no imaginable ground for the former suggestion. The latter remains to be considered. As to this, the first thing that strikes one is, that where the trust estate is so small or so encumbered as to be incapable of paying such costs, it would be just as difficult to procure an official trustee as it is now an ordinary trustee. In such cases, ordinarily, neither one nor the other could be induced to accept the trust, except in a purely nominal manner, and on such terms as to make the trustee a mere cypher for any useful purpose, while practically he must be an impediment to every proceeding in a suit. Moreover, where there is no property, or none to pay the costs of litigation, it is evident that a trustee has not now much to fear, having obtained an order of the Court that he is entitled to be discharged from his trusteeship. Being freed by a judicial declaration from any possibility of question as to his fiduciary conduct, and there being no property in respect of which he may be called upon to discharge the duties of his office on any future occasion, his position can hardly be regarded as one of much risk, even though nobody else is willing to occupy it. Even if it were otherwise, there is no reason why he should be relieved of such risk—considering that it was undertaken voluntarily and for no public object—at the expense of the other suitors of the Court of Chancery, or of the tax-paying community. We admit, however, that cases have not unfrequently come before the Court where there was sufficient property to secure a trustee against loss, but it has been impossible to find any one willing to accept the trust: because, by doing so, he would expose himself to considerable anxiety and some risk without any remuneration. The proper remedy in such cases appears to us far simpler and less expensive than the appointment of an official trustee, and "an officer for the management of such trust estates," as proposed by Mr. Clarke. The Trustee Relief Act (10 & 11 Vict. c. 96) gives all the relief that can well be desired by any trustee of money or stock. There are, however, many other kinds of property to which the Act does not apply. Where such property, *e. g.* land, or railway, mining, or any other shares, is the subject of a trust, and it is impossible to procure a new trustee without remuneration, why should not the Court have the power to make a special order, fixing a certain annual sum, or a scale of fees, for his payment? Why should not the persons beneficially entitled have a voice in the matter, subject to the control of the Court? Who can say that their interests would be better, or less expensively attended to by a department and officer of the Court of Chancery than by a person chosen or approved of by themselves and the Court? In truth, it is very much like the question of the official assignee in bankruptcy over again, but in a less debateable form. A few practitioners and officials of the bankruptcy courts, and one or two noble lords, who draw the most curious inferences from vague recollections of the old trade assignees, stick to the notion that those tribunals could not be wholesomely relieved of the superabundant officialism under which they now groan. Everybody else who has any interest in the matter has come to the opposite conclusion; and there are many additional arguments applicable to our present subject which will suggest themselves to the mind of any lawyer who reflects for five minutes upon Mr. Clarke's proposal for official trustees or a Trustee-General. If there are cases—and we believe there are—where a trustee, such as the Court would approve, cannot be induced to undertake a trust without payment, it surely would be much better to enable the Court to give him proper remuneration, than to introduce a new *bureau* into Chancery, and a new batch of formal parties into Chancery suits.

Justice and expediency require that any trustee who has not misconducted himself should be allowed to retire from a trust when he wishes to do so, and if nobody else will undertake the duty for nothing, there is no reason why some one should not be paid when there is money to pay him; but we protest against a creation of a new set of officials, and a new public office, to do what may be done much better, as well as infinitely more to the satisfaction of all parties interested, by a far simpler and cheaper process, which, moreover, would have the advantage of being more congenial to our national habits, and of being opposed to that officious and bureaucratic spirit, which threatens to become the legislative vice of the age.

Mr. Clarke's project is not so sweeping, because not so logical, as that of Mr. Serjeant Woolrych. One proposes to use the official trustee as a substitute, and only in cases where a trustee is entitled and desirous to be discharged; the other, with more show of reason, would make the official trustee capable of being appointed to a trust originally. Mr. Clarke argues from the interest of the trustee; the learned serjeant from that of the *cestui que* trusts. The former thinks that the State should provide a substitute for trustees when they want to retire; the latter wishes for a public office where all the trust property of the kingdom might be administered, where—to use his own words—not only a trustee, but an executor "appointed by the Government, should always be found prepared to execute the duties assigned to him by Parliament and the public at large." Such is the logical development of the scheme which we have been considering; and we think that, much as State interference has been in vogue of late years amongst certain of our law reformers, the Legislature is not yet prepared for such a measure as that suggested by Mr. Clarke, to say nothing of the more magnificent scheme of Serjeant Woolrych.

## BANKRUPTCY LAW REFORM.

V.

In remodelling the constitution, and settling the practice of the proposed new court, great care is requisite, in order, on the one hand, not to favour the excessive officialism recognised by the present law, and on the other, not to return to the laxity and want of uniformity which prevailed under the old system. Prior to Lord Brougham's Reform in 1832, there was no proper judicial control in bankruptcy proceedings; matters appertaining to the Court or Commissioners were left to the votes of the creditors, and the assignees dealt with the funds in the way most in accordance with their own personal interest and advantage. To the extent to which this evil was felt, we may, perhaps, attribute the course of legislation since this period, which has carried us to the other extreme, taking from the creditors what is properly within their province, and entrusting everything to the Court and its officials. Creditors now complain of excessive functionaryism, and that bankrupt's estates are swallowed up in court fees, per-centages to officials, and solicitors' charges; and we think they have good ground for contending that sufficient discrimination was not used in framing the present system. It, therefore, becomes the duty of the Legislature, in considering the provisions of a new statute, to examine carefully both aspects of the question, and endeavour to hit the true medium, making such alterations as will restore the creditors to their proper position, but leaving the functions of the Court, as a judicial tribunal, unrestricted and unimpaired.

In considering the constitution of the Court, we do not propose to deal with the question of appeal, as neither of the Bills provides for any material alteration of the law; but we may remark, that appeals upon questions of certificate will probably be less numerous, if the provision of Lord John Russell's Bill, allowing the commissioners to avail themselves of the assistance

of commercial men as assessors, be adopted, and it is chiefly upon applications for certificate that the decisions of the Appeal Court have been considered most open to observation.

With reference to the existing officers of the Court, both Bills propose to dispense with the broker, whose employment is universally admitted to be unnecessary; the Government Bill also provides for the abolition of the office of registrar of meetings in London.

With regard to the offices of the accountant in bankruptcy and the messengers, Lord John Russell's Bill provides for their entire abolition; whilst the Lord Chancellor's measure proposes that, on the occurrence of vacancies, inquiries shall be instituted as to the nature and extent of their duties, and that the Lord Chancellor shall then determine whether the respective offices shall be continued or abolished; and provision is also made for a similar inquiry as to the taxing master. As Parliament possesses ample materials for determining whether these offices may be safely abolished or not, we think the constitution of the Courts should be established by the Legislature, and proper machinery provided at once, rather than leave such an important change, as is involved in the abolition of these offices, to future inquiry and the determination of the Chancellor for the time being.

We do not intend to search into the mysteries of the accountant's office, which costs the suitors £6520 per annum, but we may state, that from the opinions expressed by those who are best able to judge, we consider that the office may be safely abolished, and that the Chief Registrar, with the assistance of two or three additional clerks, will have no difficulty in discharging all necessary duties belonging to it.

We think the taxing master should be retained, unless it can be satisfactorily shown that the registrars in London are able to attend to the taxation of costs in addition to their other duties. If this be established, the office may be abolished, and the taxation of costs in appeal cases sent to the registrars of Courts from which the appeals come.

With regard to the messengers, it appears from recent returns, that their salaries amount in many cases to more than those of the registrars and official assignees, who are very superior to them both in station and by education, and if the office is to be retained, the rate of payment should be reduced at least one half; we do not, however, consider that there is any necessity to continue the messengers as officers of the Court, but a moderate compensation should be paid to them, and those amongst them whose ability and conduct deserve it, will, we have no doubt, be employed by the official assignee and the creditor's assignee when they require assistance, in seizing the bankrupt's estate, or in any other duties of a similar nature to those which the messengers now perform.

The most important question arises with reference to the future position and duties of the official assignee; but we need not discuss this subject at any great length, as both the Bills before Parliament provide, in effect, that the creditors may, at their option, continue or determine the official assignee's services at the first meeting. The entire abolition of the office has been advocated; but in this we cannot concur, as it is most important that there should be an officer of the Court ready to step into the possession of the bankrupt's estate the moment after adjudication. The official assignees are especially fitted to perform this duty, for which it is proposed to pay them £500 a year, and such of them as are qualified and willing to act efficiently as trade assignees will doubtless be elected in most cases by the creditors. It has been objected that the salary proposed is too small; but we understand that when the first batch of official assignees was appointed they had no expectation of receiving more than £500 per annum for their whole duties as now performed, and we feel sure that nothing but their own disqualification or inaptitude for business will interfere to prevent their realizing incomes under the new Act equal to those now received by them.

At the first meeting the creditors are fairly entitled to choose a trustee or assignee, for the winding up and distribution of the estate, which is in reality their own, and we do not think it consistent with any sound principle to deprive them of this right. The bankrupt's property and assets can be more economically realised by such an assignee than by an official of the Court, and nothing is easier than to make provisions for securing the estate, and its speedy administration. Under the old system these provisions did not exist, but we have never yet heard it contended that the estate was not more effectually and economically realised by trade assignees under the old law, than by an official assignee under the present system. The only inconvenience to be apprehended under Lord John Russell's Bill is, that it may give rise to a good deal of canvassing, or touting, by those who are eligible to be appointed creditors' assignees, which we understand is the case in Scotland, but this may probably be avoided by electing the inspectors first (who would usually be the three largest creditors) and allowing them to choose the assignee. Great care must, however, be taken not to disturb the provisions for securing and speedily administering the estate, as it will furnish the strongest argument to the supporters of the present system if the Bill be in the slightest degree defective in this respect.

## The Courts, Appointments, Vacancies, &c.

### COURT OF CHANCERY.

(Before the LORDS JUSTICES OF APPEAL.)

*Lyddon* v. *Moss.*—*Mar.* 12.

This appeal from a decision of the Master of the Rolls relates to a deed of assignment executed by a client in favour of her solicitor, and the Master of the Rolls desired that it should stand only as a security for the money due to the solicitor for bills of costs and money advanced.

During the opening of the appeal by Mr. *Selwyn* the following colloquy took place:—

Lord Justice KNIGHT BRUCE.—Assuming this to have been a perfectly honourable transaction—assuming it to have been substantially for this lady's benefit, still I am surprised that a professional gentleman, experienced like this solicitor, should have been so imprudent as to enter into such a transaction.

Sir *R. Bethell.*—Your Lordship will hear his case first, and if your Lordship thinks it right you can express surprise afterwards.

Lord Justice KNIGHT BRUCE.—It was very imprudent, assuming it to have been the most honourable transaction that ever was, and assuming it to have been for the benefit of the lady—which two expressions I used before, and use again.

Sir *R. Bethell.*—I hear with great regret the expression of any judgment by the Court against the party before your Lordship has heard his case.

Lord Justice KNIGHT BRUCE.—It is no judgment against him. I repeat, it is obviously conduct of the most imprudent character, assuming the transaction to have been a most honourable one.

Sir *R. Bethell.*—I repeat that those expressions should not fall from a judge until after he has heard the case.

Lord Justice KNIGHT BRUCE.—You are perfectly welcome to say so. I have said it, and probably shall say it again before the conclusion of the case.

Sir *R. Bethell.*—I repeat, I am greatly surprised to hear it.

Lord Justice KNIGHT BRUCE.—I shall say it whenever it suits me to say it, without the slightest reference to your opinion.

When the tumult dwindled to a calm,

Mr. *Selwyn* proceeded with the case, and concluded his opening in support of the decision of the Master of the Rolls.

Sir *R. Bethell*, Mr. *Roundell Palmer*, and Mr. *E. Webster*, appeared for the appellants, the defendants.

The appellants' case was opened, and occupied the Court till its rising at the usual early hour of three o'clock.

Sir *R. Bethell*, in his opening, spoke as follows:—I deprecate any observations until the case has been fully heard, and

the proper time for the discharge of judicial duties begins. How must this professional gentleman feel when observations so incautious fall from high judicial authority?

Lord Justice KNIGHT BRUCE.—I said nothing about character. The observation made, which I repeat, was, that on his own showing, and on any view of the matter, and assuming that his conduct had been honourable in the highest degree, and assuming that the plaintiff would lose money by success, I said that his conduct was imprudent. That is what I said, and I say it again.

The *Times* adds:—"It is greatly to the honour of Sir Richard Bethell that he has thus boldly protested against the practice by which the whole inner bar are aggrieved, but have not the courage to complain, that the case of the respondent or the appellant (as the case may be, whichever is deferred till after the opening) is not permitted to be disclosed in due course, but is eviscerated by fragments by a process similar to the above during the opening counsel's address."

(Before Vice-Chancellor Sir JOHN STUART.)

*Re Ruddimann's Trusts.—Mar.* 14.

In this case an order was made by the Court on Saturday last, directing the Clerk of Records and Writs to file two affidavits sworn in Aberdeen. It appears that the real nature of the objection of the Clerk of Records and Writs to file those affidavits was, that in both instances, not only were the names of the deposing parties not subscribed by them, as is usual, upon the left-hand side of the paper; but also, that their names were written between the jurat and the name of the commissioner administering the oath; and further, that, with respect to one of the affidavits, the words "before me" had been omitted from the jurat. In consequence of a communication received by the Vice-Chancellor from the Clerk of Records and Writs,

His HONOUR, on examining the affidavits, said, in point of form neither of them was correct. As to that which omitted the words "before me" from the jurat, the objection to filing it appeared insurmountable. It did not, in fact, purport to be sworn before anybody, and, as he understood, upon such an affidavit no indictment for perjury could be sustained. As to the other affidavit, his Honour directed it to be filed in its present form. He (the Vice-Chancellor) was extremely indebted to the Clerk of Records and Writs for having called his attention to the point, and made him fully acquainted with the real nature of his objection to filing the affidavits, thus affording another instance of the careful and vigilant manner in which the duties of that office were performed.

The Clerk of Records and Writs stated, that he has never refused to file any affidavit upon the mere ground of the deponent's name not having been written on the usual or left-hand side of the paper.

## HOME CIRCUIT.—CHELMSFORD.

(Before Mr. Baron MARTIN and a Special Jury.)

*The Queen* v. *Collier and Others.—Mar.* 11.

This was an indictment for a nuisance.

The defendants are the chairman and others forming the Romford Board of Health, and the case was one of some importance, inasmuch as this is the first instance in which proceedings of a criminal nature have been taken against persons in the position of the defendants under similar circumstances. The indictment charged them with having polluted the waters of a stream called the Rom, which runs from Romford to Dagenham, by causing the refuse sewage matter to flow into it, and thus, as was alleged, causing serious inconvenience to the inhabitants of the latter parish, by whom the present prosecution was instituted.

A great many witnesses were examined to prove the pollution of the river, which did not appear to be disputed. Mr. *Bovill*, however, raised several legal objections to the proceedings, and it was also urged that a very considerable portion of the inconvenience arose from the fact of two large breweries in the neighbourhood draining their refuse into the river, and the principal question appeared to be, who were the parties that ought to incur the expense of providing a remedy, and whether the establishments referred to ought not to contribute towards such an object.

It was eventually arranged that a verdict of guilty should be taken, it being understood that this was merely a formal verdict, and that all the legal questions would be reserved for further consideration.

## MANSION HOUSE.

Fabian Court Cullen, lately clerk to a solicitor at Canterbury, was on Saturday brought before the Lord Mayor, on remand, charged, under the Fraudulent Trustees Act, with having unlawfully converted to his own use two sums of £600 and £500, entrusted to him by Mrs. Julia Phillips, a widow lady, residing at Abbey-wood, as she on previous examinations had alleged—the former sum to pay legacy duties on the estate of her late husband (she being his executrix); and the latter upon the prisoner's representation, that it was required as a deposit at Somerset-house before certain papers, which it was necessary to produce in a Chancery suit, could be thence obtained. After the prosecutrix had given her evidence, and several letters had been handed to Mr. Metcalfe for perusal,

Mr. *Metcalfe* said:—I have looked at the letters, my Lord, and it is quite clear from them that there has been great familiarity between the parties; and although that does not justify the prisoner's conduct, but in point of morality makes it worse, it places great difficulty in the way of the prosecution, when Mrs. Phillips is the only witness we have to rely upon. I understand, also, that since the commencement of these proceedings, the whole of the legacy duties have been paid, and, therefore, under all the circumstances of the case—for I must admit that Mrs. Phillips parted with her money very foolishly—I think the ends of public justice are best answered by our withdrawing from the prosecution.

The LORD MAYOR observed, that, so far as he was concerned, the prisoner did not quit that bar without blame, and he regretted exceedingly that a man in his position should have so conducted himself. He was discharged.

## BOW STREET.

On Monday, Mr. Haynes, the solicitor, whose name is included with those of John Gibson Bennett and others in a bill of indictment for conspiracy to defraud, obtained at the Middlesex Sessions by the informer Thomas Stowell, attended, accompanied by his solicitors, Messrs. *Lewis* and *Lewis*, to put in bail for his appearance to take his trial.

Mr. *Lewis*, jun., addressing the magistrate, said:—Sir, I attend here in order to put in bail on the part of Mr. Haynes, against whom a most infamous charge has been made behind his back by a notorious common informer, who has himself been several times convicted. Mr. Haynes has brought his sureties with him, gentlemen of the highest respectability, and he is anxious to enter into recognisances, because, though there has been a refusal to grant a warrant, Stowell has obtained a certificate which would enable him to apprehend Mr. Haynes.

Stowell, who denied this assertion, was ordered to leave the attorney's box.

Mr. *Lewis*, jun., then continued his observations on the case. The indictment charged Mr. Haynes with having conspired with the Bennetts to defraud various persons by representing themselves as the British and Foreign Ear Infirmary. Mr. Haynes was a most respectable solicitor, and his only connexion with the Bennetts was that of attorney and client. This absurd charge was preferred by Stowell, in conjunction with a man against whom Mr. Haynes was conducting a prosecution on the part of the Bennetts. The prosecution against Mr. Haynes was an infamous proceeding, got up by infamous persons. Mr. Haynes was, of course, most anxious to bring the matter to an issue by having the charge investigated at once.

Mr. Haynes was then bound over in his own recognisance of £100 and two sureties of £50 each to appear to the indictment.

## BANKRUPTCY LAW AMENDMENT.

On Tuesday afternoon a public meeting was held at the London Tavern, R. W. Crawford, Esq., M. P., in the chair, for the purpose of receiving the following report of the committee appointed at a meeting on the 8th of November last, to consider the Bills of the Lord Chancellor and Lord John Russell to amend the Bankruptcy Laws, with special regard to the requirements of the mercantile community:—

"The Debtor and Creditor Bill appears to be based upon principles which are calculated to produce a very pernicious effect upon trade by destroying commercial credit on the one hand, and increasing commercial immorality on the other. The Bill, except in certain cases, abolishes imprisonment for debt, and thereby honest creditors would in many instances be deprived of the only means of recovering their just demands from a dishonest debtor. It provides a merely nominal punishment for offences of a very grave character, and seriously affecting the mercantile community. Its deficiencies are equally flagrant. For example, in the case of a debtor notoriously insolvent, and making away with his property to the injury of his creditors, no facilities are afforded for bringing him or his

property within the jurisdiction of the Court; no provision whatever is made for the case of deceased debtors whose estates are manifestly insolvent; and no apparent reduction is made in the fees payable in the Court. On the whole your committee, without entering into any other point in which this Bill appears to be objectionable, earnestly recommend that a firm and determined opposition should be made to its progress through the House of Commons.

"With regard to the Bill of Lord John Russell, your committee are of opinion that, although it is defective in several very important respects, yet it contains many provisions of which they highly approve, amongst which are the following:—

"It consolidates the whole law of bankruptcy and insolvency.

"It abolishes the payment of per-centages, and provides for the payment of the expenses of the court out of the Consolidated Fund.

"It reduces the number of meetings.

"It abolishes many useless offices.

"It gives the creditor greater control over the proceedings.

"More stringent punishments are provided for fraudulent bankrupts.

"It affords satisfactory facilities for private arrangement by deed.

"And it brings within the jurisdiction of the Court of Bankruptcy the estates of insolvent debtors deceased.

"Your committee are nevertheless of opinion that this Bill does not deal with some of the most serious defects in the existing laws. It has long been a reproach to the bankruptcy law that a man may be notoriously and admittedly insolvent, and dealing with his property to the great prejudice of his creditors, and yet they have no means by which they can make him bankrupt. Equally defective is the law as to fraudulent preferences, by which favoured creditors, under colour of legal proceedings, are frequently able to absorb the whole or the greater part of the assets of the debtors. No adequate provision is made in Lord John Russell's Bill for either of such cases.

"Your committee have, however, the satisfaction to report that they lately have been in communication with the mercantile committee of the National Association for the Promotion of Social Science, under whose superintendence the Bill of Lord John Russell was prepared, and having explained their views as to that measure, they have received an assurance that it shall be amended in the following respects:—

"The Bill having proposed the abolition of the distinction between traders and non-traders, provided that the court in Portugal-street, with its officers, should be dispensed with, it is to be amended by retaining such court and officers as axcillary to the court in Basinghall-street, for the purpose of disposing of cases where the assets do not exceed a given amount.

"Clauses are to be introduced rendering a debtor known to be insolvent liable to be summoned before the Court, to show cause why he should not be adjudged a bankrupt, and empowering the Court to examine such debtor, and in case he appear to be insolvent, to adjudge him to be a bankrupt; with provisions to enable the Court to order the immediate seizure of his property. It is proposed to insert these clauses in lieu of those relating to the debtor's summons. It appears to your committee that the machinery of the court ought not to be put in motion merely to facilitate the recovery of debts by individual creditors, but that it should be used only to test the solvency of a debtor, and of dealing with him and his property for the general benefit of all.

"The seizure of the goods of a debtor under an execution upon a judgment recovered for a money demand is to be made an act of bankruptcy.

"The creditors' assignees are to be authorised to appoint a trustee to wind up the bankrupt's estate; but some officer of the court shall be associated with the creditors' assignees in the possession of the money produced by the estate until it shall be distributed.

"That where a bankrupt appears to the Court to have been guilty of any misconduct, an indorsement of such misconduct, under the hand of the commissioner, shall be made on the back of the certificate.

"Your committee have considered the questions adverted to in this report as mercantile men conversant only with the practical working of the bankruptcy and insolvency laws, and with the defects in them from which they have all suffered. They do not venture to express any opinion as to whether the clauses in Lord John Russell's Bill are so framed as satisfactorily to carry into effect the objects at which they appear to be aimed, but they beg to suggest that the best course that could be adopted would be to refer that Bill to a select committee of the House of Commons, under whose superintendence every proper amendment might be introduced; and if that course were adopted, your committee believe that, when so amended, it would meet the requirements of the mercantile community.

"Your committee cannot conclude their report without expressing their opinion that it is highly expedient that the Court of Bankruptcy should be raised to a level with the common law courts of Westminster."

The report was adopted.

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In the event of a vacancy occurring in the representation of Cambridge University, C. J. Selwyn, Esq., Q.C., of Trinity College, the chancery barrister, brother of the Bishop of New Zealand, and of Professor Selwyn, will be a candidate.

The Hon. W. F. Campbell is the Liberal candidate for Harwich, in the room of John Bagshaw, Esq., who has accepted the Chiltern Hundreds, after representing that borough for several years.

It is believed that the Lord Advocate (Mr. Baillie) will have the gown vacant by Judge Murray's death, and that Solicitor-General Mure will succeed to the office of the former.

The will of Mr. Commissioner Phillips has been proved. Personalty, £30,000. Leaves all to his wife, the household furniture and effects for her use absolutely, with the exception of a gold snuff-box, a goblet, and a travelling-case, which contains a knife, fork, and spoon, formerly belonging to the Emperor Napoleon, which he leaves to his son, William Henry Phillips, of the East India Company.

DEATH OF SIR ANTHONY OLIPHANT.—We have to record the death of Sir Anthony Oliphant, formerly Chief Justice at the Island of Ceylon. He was born in 1793, and married a daughter of Colonel Campbell. He was called to the bar in 1821 by the Hon. Society of Lincoln's-inn; and prior to being appointed to the Chief Justiceship of Ceylon, was Attorney-General at the Cape of Good Hope.

The election of Coroner for East Middlesex, rendered vacant by the death of Mr. Baker, took place at the Sessions-house, Clerkenwell, on Thursday. Several candidates originally appeared, namely, Mr. Humphreys (the Parliamentary agent), Mr. Ratcliffe, Mr. T. O'Brien, a legal gentleman who has held colonial appointments, and Mr. J. J. Dempsy, author of a recent work on the law of coroners. The three last-named gentlemen declined to go to the poll, and Mr. Humphreys was declared duly elected. The new coroner then addressed the electors at some length, and dwelt particularly upon the fact, that it had been charged upon him that he would be subject to magisterial influence in the discharge of his duties, an imputation which he denied. After a vote of thanks to the sheriff, the proceedings terminated.

TESTIMONIAL TO MR. THOMAS WAKLEY.—On Friday evening, a meeting of medical and other gentlemen was held at the committee-rooms, 17, Henrietta-street, Covent-garden, for the purpose of inaugurating a public testimonial to Mr. Thomas Wakley; Mr. G. Byng, M.P., in the chair. The chairman having briefly opened the proceedings, the hon. secretary read the report, which set forth the opinions of the committee appointed to carry out the project, to the effect that in consequence of the manifold services of Mr. Wakley, that gentleman was entitled to a public demonstration. Letters had been sent out, and very favourable answers received. Mr. Fergusson moved the first resolution: "That in the opinion of this meeting Mr. T. Wakley, coroner for West Middlesex, editor of the *Lancet*, and late M.P. for Finsbury, is eminently entitled to a public demonstration of esteem by his long and consistent advocacy of the medical interests, and by his services to the profession and the public." Dr. M'William seconded the motion, which was agreed to unanimously. A series of business resolutions were then submitted, their chief object being the appointment of a committee, and officers, and the adoption of an address to be circulated.

ILLNESS OF MR. COMMISSIONER HOLROYD.—The leave of absence granted by the Lord Chancellor to this learned and much-esteemed gentleman expired on the 15th of this month; but it is to be regretted, from his continued painful and distressing indisposition, that he was unable to resume his sittings. The Lord Chancellor has granted two months' further leave of absence. The learned commissioner is at present at Brighton, and from the answer recently given to our inquiries, we regret to say is recovering but very slowly.

## Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

ECCLESIASTICAL BENEFICE—ENLARGING PARSONAGE—GILBERT'S ACT.

*Boyd* v. *Barker*, 7 W. R., V. C. K., 297.

This case related to the power of clergymen to raise money under Gilbert's Act (17 Geo. 3, c. 53), and the recent Act (1 & 2 Vict. c. 23) for the repairs of the parsonage-house. The bill was filed by the clergyman's successor, to set aside the charge which the incumbent had created on the living, under the above-mentioned Acts; and the two points relied on by the plaintiff were as follows:—

First, he contended that the money had been laid out, not in repairing or rebuilding, but in enlarging the house—a purpose not contemplated by the Act. Secondly, that the money had been advanced by the incumbent himself, who took the mortgage to a trustee for his own benefit. But the Vice-Chancellor held that neither of these circumstances rendered the transaction invalid; and that, in the absence of any proof of unfairness, there was no objection to an incumbent lending the money to himself for such a purpose. (See Rogers' "Ecclesiastical Law," 810.)

ECCLESIASTICAL BENEFICE—LEASE OF GLEBE—STATUTE 5 Vict. c. 27.

*Jenkins* v. *Green*, 7 W. R., M. R., 304.

In this case, an incumbent of a parish had made an agreement for the lease of his glebe, under the 5 Vict. c. 27, for fourteen years, reserving the rent half-yearly. A decree having been made for specific performance of the agreement, the lease was settled in Chambers, when a question arose, whether the direction in the 1st section of the Act—that the rent should be reserved quarterly—was imperative, or whether it could be dispensed with by the bishop and patron, whose execution of the deed is declared by the 4th section to be conclusive evidence that all the covenants contained in the lease are proper covenants. The Master of the Rolls held that the clause was imperative, and refused to sanction a lease without a quarterly reservation; and the consequence was, that, as the agreement stipulated for a half-yearly reservation, the bill was dismissed on further consideration.

INJUNCTION TO RESTRAIN PROCEEDINGS IN THE COURT OF PROBATE—HEIR-AT-LAW.

*Fuller* v. *Ingram*, 7 W. R., V. C. W., 302.

In this case, *Wood*, V. C., granted an injunction to restrain the defendant from further proceedings in the new Court of Probate until he had put in his answer to a bill of discovery, filed by the heir-at-law of the testator. The defendant was devisee of real estate and executor, and commenced proceedings in the Court of Probate, for the purpose of proving the will in solemn form, and the heir-at-law was cited. The heir-at-law filed pleas disputing the will, on the ground of the alleged insanity of the testator, and then filed a bill in Chancery, asking for discovery in support of his pleas, and for an injunction in the meantime. The defendant relied upon the old rule, that the Court of Chancery would not give discovery in aid of testamentary proceedings in the Ecclesiastical Court, which had ample powers of obtaining discovery, which powers (it was argued) were now vested in the Court of Probate. But his Honour held, that whatever powers the Court of Probate had for compelling discovery, in the case of wills of personal estate, it had not similar powers with respect to a contest between the devisee of real estate and the heir-at-law; and further, he was of opinion that whatever powers might have been conferred upon that Court by the Act, the jurisdiction of the Court of Chancery was not ousted. He, therefore, granted the injunction asked for. He held, however, that such an injunction could not be moved for till the plaintiff's interrogatories in Chancery had been actually filed, according to the old practice in such cases. (See Hare on Discovery, 119.)

SALE TO DEFEAT EXECUTION—BILLS OF SALE ACT—REGISTRATION.

*Hale* v. *The Metropolitan Saloon Omnibus Company*, 7 W. R., V. C. K., 316.

This was a case confirming, rather than establishing, the doctrine that it is no fraud, within the Statute of Fraudulent Conveyances (13 Eliz. c. 5), for a tradesman to sell all his furniture and stock-in-trade for the purpose of avoiding an execution which was pending over him, provided the sale was made for valuable consideration. The case came before the Court in an interpleader suit, brought by the sheriff. The defendant Hawkins having failed in a suit against the Metropolitan Saloon Omnibus Company, became liable for costs. His costs were taxed, and time was given him for payment till the 23rd of November. On the 18th of that month he effected a sale of his stock-in-trade, and all the furniture in his house, to one Sayers, who forthwith entered into possession. On the 23rd the sheriff took possession under an execution by the company, but afterwards gave up the goods under a bond of indemnity.

The Vice-Chancellor remarked that, at the present day, whatever fluctuations of opinion there had been in the courts of law in this country as to the construction of the statute of Elizabeth, it was not a ground for vitiating a sale that it was made with a view to defeat an intended execution on the goods of the vendor, supposing it was in all other respects bonâ fide. The case of *Wood* v. *Dixie* (7 Q. B., 892) had settled that at law in the most solemn manner. Even if Sayers had asked Hawkins why he wished to sell, and Hawkins had told him that it was to defeat an execution, that would have been no ground for impeaching the transaction.

In the present case no bill of sale had been executed, the only memorandum being the receipt for the purchase-money signed by Hawkins. It was contended that this being the only written evidence of the sale, it required registration under the Bills of Sale Act, 17 & 18 Vict. c. 36. The words of the 7th section of that Act are—"The expression, 'bill of sale,' shall include bills of sale, assignments, transfers, declarations of trust without transfer, and other assurances of personal chattels, and also powers of attorney, authorities, and licenses, to take possession of personal chattels as security for any debt. His Honour held that the receipt in question did not come within these words, and did not require registration. (See Archbold's "Common Law Practice," 246.)

PRACTICE—TIME TO DEMUR—SECURITY FOR COSTS.

*Henderson* v. *Atkins*, 7 W. R., V. C. K., 318.

This case decides that although the service of an order for the plaintiff to give security for costs will prevent the time which is allowed to a defendant to demur from running, yet, the same effect will not be produced merely by serving a summons for such an order. The defendant had appeared on the 7th January; on the 17th he took out a summons for the plaintiff to give security for costs, which was returnable on the 21st, two days after the twelve days allowed for demurring, by the 15th order of May, 1845, had expired. On that day an order for giving security was made and served on the plaintiff. On the 26th the defendant filed his demurrer. The Vice-Chancellor held that the summons did not prevent the time from running within which the defendant ought to have demurred, and he took the demurrer off the file. (See "Smith's Chancery Practice," 144.)

## Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

### I. IN BANC.

MASTER AND SERVANT, LAW OF.

*Senior* v. *Ward*, 7 W. R., Q. B., 261.

This was an action brought under Lord Campbell's Act, by the personal representative of a miner killed in descending the shaft of a mine which belonged to the defendant, owing to the breaking of the rope. The action was unsuccessful, because, by the general law of master and servant, the miner could not, if he had survived the effects of the accident, have sued on account of his having himself contributed to the accident by his own negligence; and, this being so, the remedy given by Lord Campbell's Act did not apply, that statute only giving an action to the representatives of a person killed, in cases where the deceased could, had he survived, himself have sued.

As to the rule of law above mentioned, it was discussed, very recently, in the Exchequer (*Griffiths* v. *Gidlow*, 3 H. & N. 648), under circumstances much resembling the present. There the Court cited and approved the judgment of Lord Cranworth in the case of *Paterson* v. *Wallace*, in the House of Lords (1 Macq. 748, and see *Bartonshill Colliery* v. *Reid*, 3 Macq. 266); first, that a servant cannot sue his master for an injury occasioned solely by the negligence of a fellow-servant; secondly, that he cannot sue his master for an injury occasioned by improper machinery being supplied unless the master is personally to blame with regard to the selection, &c., of such machinery; and

thirdly, that even where the master *is* to blame, it is fatal to the action by the servant that he contributed to the accident by his own negligence or rashness.

In the present case it appeared by the evidence, that though the master was blameworthy in not enforcing the observance of one of the colliery rules, which, had it been observed, would have prevented the accident, yet that the deceased miner himself persisted in habitually breaking this rule, and therefore (under the third branch of the law as above settled) could not himself have sued the defendant, nor transmit an action to his representatives.

PRACTICE—INTERROGATORIES—17 & 18 VICT. C. 125.

*Otter* v. *Willison*, 7 W. R., Exch., 265.

Another application with regard to interrogatories under the Common Law Procedure Act, 1854. Its object was to allow the plaintiff to deliver with his declaration in the above action certain interrogatories, inquiring by what means the defendant had obtained possession of the copy of a certain document which he was charged in the declaration with having wrongfully detained and converted, and also with having fraudulently and corruptly induced the plaintiff's clerk to furnish. But, said the Court (in effect)—these applications to be allowed to file interrogatories ought not to be granted, unless the foundation for them fails either by reason of the suggested facts being an insufficient ground of action, or by reason of there being no sufficient reason to justify the suggestion.

There have been several cases reported from which it abundantly appears that no *fishing* application of this nature will be listened to by the Court. Of these *Edwards* v. *Wakefield* (6 Ell. & Bl. 462) is a good example.

CORPORATIONS, LAW OF—POWER TO SUE MEMBERS.

*Metropolitan Saloon Omnibus Company* v. *Hawkins*, 7 W. R. 265.

The proceedings which may be taken by or against an aggregate corporation at common law are laid down in the books with sufficient precision. They may not only sue and be sued in ordinary actions, but they may, for certain offences, be indicted—as for allowing a bridge, the repair of which belongs to the corporation by law, to fall into decay—a proceeding which, however, cannot be followed up by imprisonment of any particular member, as the judgment is against the corporate body only. And in a very recent case (*Whitfield* v. *The South Eastern Railway Company*, 6 W. R., Q. B., 545), these doctrines were considered in reference to an action for *libel* commenced against an incorporated company, which (the declaration having been demurred to) was held to be well brought. In the present case the *internal* constitution of corporations was the subject of discussion, and their power to sue one of the members for libel against the corporate body. It was held that there was no reason why such an action should not be brought, as well as one for the breach of a bye law, which would unquestionably lie. And it was further said that the fact that the plaintiff in the present action was not a corporation at common law, but incorporated under the Joint Stock Companies Act of 1856, made no difference in this respect; but that an action against one of their own shareholders for a libel published against them might be maintained; otherwise, remarked *Watson*, B., "a man might license himself, by taking a few shares in a joint stock bank, to bring it to ruin, by publishing with impunity libels importing insolvency and other injurious matter."

DAMAGES, PROPER MEASURE OF.

*Smeed* v. *Foord*, 7 W. R., Q. B., 266

This is a case as to the proper measure of damage upon breach of contract, and it is noticed because it is the most recent among the many approvals of the rule upon this subject laid down in the case of *Hadley* v. *Baxendale* (9 Exch. 341), viz. that where two parties have made a contract which one of them has broken, the damages which the other party ought to receive, in respect of such breach, should be such as may fairly and reasonably be considered, either arising naturally, i. e. according to the usual course, of things from such breach of contract itself, or such as may reasonably be supposed to have been in the contemplation of both parties at the time they made the contract as the probable result of the breach of it. It is to be regretted that an equally comprehensive and satisfactory rule cannot, from the nature of things, be laid down with regard to inquiries *independent* of contract.

## II. RELATING TO MAGISTRATES.

BEER ACTS, CONSTRUCTION OF—INFORMAL LICENSE.

*Thompson* (*app.*) v. *Harvey* (*resp.*) 7 W. R., Exch., 281.

This was an appeal from the determination of magistrates under the recent Act (20 & 21 Vict. c. 43) on the following point of law, arising on the construction of the "Beer Acts" (11 Geo. 4 & 1 Will. 4, c. 64; 4 & 5 Will. 4, c. 85, and 3 & 4 Vict. c. 61), by which an exception has, since the date of the first of them, been introduced into the general system of licences to sell exciseable liquors, so as to give greater facilities for the sale of *beer and cider*. By these Acts, the "resident holder and occupier" of any house (with certain exceptions) may, without procuring a *magistrate's* license (as required in general by the Excise Acts), obtain an excise license from the Board of Inland Revenue, enabling him to sell by retail beer or cider (not to be drunk on the premises), on his producing an overseer's certificate to that effect. If he obtains a license without being a resident holder and occupier of a house, his license is void, and he becomes liable to penalties. And if it is wished that the license should permit the beer sold to be drunk on the premises, then the applicant must, in addition, produce and deposit with the Board an annual certificate of good character, signed by six rated inhabitants of the parish. In the present case, the license did not recite, in the usual way, the fact, that the applicant was the resident holder and occupier of the house in which the beer was to be sold, but, in point of fact, the applicant *was* the real occupier of the premises. However, the magistrates convicted him on an information charging him with having sold beer without a license, as they held it essential to the validity of the license that it should describe the person licensed as the occupier. The Court of Appeal, however, gave judgment for the other way—holding, that though it was essential to the validity of the license (under 3 & 4 Vict. c. 61, s. 1) that the applicant should be *in fact* the holder and occupier of the house, it was not imperative that the overseer's certificate produced (mentioned in the next section) should contain a recital of that fact. The effect of this decision is to establish, that the jurisdiction of the excise officer to grant the license does not depend on the production of the overseer's certificate, which is only a means pointed out in the statute as a nominal mode of certifying the fact of holding and occupation to the Board. "Suppose," said *Watson*, B., "the excise officer, notwithstanding the overseer's certificate, was satisfied by cogent evidence that the applicant was *not* the holder and occupier, would he not be justified in refusing it?" This case should be noted in "Oke's Magisterial Synopsis," 6 ed. p. 240.

# Parliament and Legislation.

## HOUSE OF LORDS.

*Friday, Mar.* 11.

DEBTOR AND CREDITOR BILL.

On the report of amendments in this Bill being brought up,

The LORD CHANCELLOR proposed some alterations with regard to judgment debtors keeping out of the way of their creditors, and with regard to insolvents giving fraudulent preferences or making false representations. There was also a clause of very considerable importance which he proposed to omit. As the Bill stood, the law which now allowed a landlord to receive twelve months' rent out of a bankrupt's estate was altered, and the amount of rent reduced to six months. But that alteration was objected to; and when he came to consider that farmers would now be subject to the bankrupt law, he did not think it desirable to persist in the alteration.

Lord CRANWORTH said, he should renew his motion for the omission of certain clauses on the third reading.

Lord ST. LEONARDS proposed a clause relative to the sequestrations of livings, which was negatived.

The report was then agreed to, and the Bill ordered to be read a third time on Thursday.

OCCASIONAL FORMS OF PRAYER BILL.

This Bill was read a third time and passed.

*Monday, Mar.* 14.

THE NEW CHANCERY COURTS.

The LORD CHANCELLOR moved for leave to bring in a Bill to extend the powers of the Lord Chancellor for providing better accommodation in the Court of Chancery. In 1841, the noble Lord said, when two Vice-Chancellors were appointed the Society of Lincoln's-inn erected courts for their accommodation at their own expense, but they were only temporary buildings, very small and incommodious, and were now nearly worn out. Some extended accommodation for the court had been rendered more necessary by the abolition of the Masters in Chancery in 1852, and the transfer of their duties to the judges

of the court and their chief clerks. The Society of Lincoln's-inn had offered to construct new courts at their own expense, upon being secured a rent amounting to 4 per cent. on the outlay, and providing for the loss of rents of the chambers which they might be obliged to take down. The existing powers of the Lord Chancellor were not sufficient for this purpose, and this Bill was to enable him to apply a sum not exceeding £4000 a-year from the Suitors' Fee Fund for ninety-nine years, or such larger term as the then Lord Chancellor might think fit. He should not have thought it necessary to make these remarks if he had not been aware that there was in agitation a very grand scheme, which he was afraid might produce some obstruction to the limited plan proposed in this Bill. It was proposed to build courts for law and equity on a site amounting to about seven acres, which would be obtained by removing all the buildings between Carey-street and the Strand. It was proposed to take £800,000 of the Suitors' Fee Fund for the erection of these buildings. In the office which he had the honour to fill he felt, as the guardian of the fund, bound to protect it against invasion, and he must protest against any such notion of applying funds which belonged to the Court of Chancery to carrying out that magnificent scheme. It was supposed, that if the plan by this Bill of building courts in Lincoln's-inn were carried out, it might prevent the larger plan being executed. He did not know that this plan would obstruct the general scheme of building courts for the courts of law and equity, because these equity courts, if built, would not be more than 200 yards from the proposed new courts. It, therefore, seemed to him that his proposal would facilitate rather than obstruct the magnificent scheme to which he had referred.

The Bill was read a first time.

*Tuesday, Mar.* 15.

INDICTABLE OFFENCES (METROPOLITAN DISTRICTS) BILL.

This Bill was read a second time.

*Thursday, Mar.* 17.

DEBTOR AND CREDITOR BILL.

On the motion that this Bill do pass, Lord CRANWORTH proposed the omission of clauses 95, 96, 97, & 98; the effect of which was to restore substantially the old system of bankruptcy with reference to assignees.

The amendment was negatived, and the Bill was read a third time and passed.

CONVICT PRISONS ABROAD.

This Bill was read a second time.

MANOR COURTS BILL.

This Bill passed through committee.

## HOUSE OF COMMONS.

*Friday, Mar.* 11.

NEW WRITS.

A new writ was ordered for Harwich, in the room of Mr. JOHN BAGSHAW, who had accepted the stewardship of the Chiltern Hundreds.

INCREASE OF THE MAGISTRACY.

Mr. T. DUNCOMBE asked the Secretary of State for the Home Department if he could explain the cause of the recent large addition to the magistracy of the county of Huntingdon. Six had been lately made, four of whom were clergymen, and the fifth was a common brewer, who had a public house in every town and village in the county, and sat on the bench to grant licenses.

Mr. SOTHERON ESTCOURT said that the Lord Chancellor was responsible for the appointments, but nevertheless he contended that they were properly made. With respect to the "common" brewer, and his having a public house in every village in the county, it proved that he had some property. It would not be the first time in the history of this country that a common brewer had risen to some of the first offices of the State. (This was in allusion to Cromwell.) With respect to the number of magistrates exceeding that of the police, he thought that was the case in every county in England.

THE LANDED ESTATES COURT (IRELAND).

Mr. J. D. FITZGERALD asked the Chief Secretary for Ireland whether it was the intention of the Government to recommend the appointment of a third judge of the Landed Estates Court (Ireland), in the room of Judge Martley, lately deceased.

Lord NAAS, in reply, said, that no decision had yet been come to by her Majesty's Government, and that no appointment had yet been made.

THE IRISH POLITICAL OFFENDERS.

Mr. DEASY asked the Chief Secretary whether there was any foundation for the statement which had appeared in *The Times*, on the authority of a letter from Mr. Downing, a most respectable professional gentleman, that letters from the persons accused of political offences in Ireland to their professional agent had been intercepted or delayed by the Government.

Lord NAAS said, that the bye-law relating to the inspection of prisoners' letters was in the following terms:—

"All letters or parcels to or from a prisoner must be inspected by the governor, who shall forward or keep the same according to the nature of their contents."

On the representation being made to the Government by Mr. Downing, and under the peculiar circumstances of the case, the ordinary prison rules had been ordered to be waived, so that all communications between Mr. Downing and his clients might be conducted confidentially, and that no officer of the gaol, whatever his position, might have any information of the contents of the communications which took place.

COUNTY COURTS BILL.

On the motion, by Sir STAFFORD NORTHCOTE, that this Bill be read a second time,

Mr. AYRTON took occasion to refer to the treatment of persons under commitment by county court judges, some of which persons, he said, it was rumoured, had been subjected to solitary confinement, and put upon a diet of water gruel.

The ATTORNEY-GENERAL said, he had moved for certain returns with the view of ascertaining what the treatment really was of persons committed to prison under the powers vested in county court judges, and he would on a future occasion state the result to the House.

The Bill was then read a second time.

THE REMISSION OF PENALTIES BILL.

This Bill passed through committee.

*Monday, Mar.* 14.

TITLE TO LANDED ESTATES.

The House went into committee on this Bill.

On the question that the preamble be postponed,

Mr. MALINS maintained that it was contrary to the principles of the law of England, and to the principles of justice, to make a judicial declaration in favour of one person in the absence of others who might be entitled. His hon. and learned friend the Solicitor-General proposed to meet this difficulty by requiring the publication of advertisements in newspapers, and the posting of notices on the land. It might, however, happen that the parties interested did not know that they were entitled, or were unborn, or were infants, or insane. He believed that the well-being of society absolutely required the maintenance of the system of settlements.

Mr. HEADLAM said, there was no reason why the transfer of land should not be similar in kind to the transfer of stock. The title in stock was quite as complicated, the money being sometimes left to one person during life, and afterwards to other persons in certain contingencies, and yet the purchaser bought it without feeling the smallest doubt as to the title. In well-drawn settlements there was a power enabling the trustees to revoke all the uses and trusts, and to sell the land to the purchaser, so that the purchaser should have a perfect title; and the present Bill provided that the same thing should be done by the Court. That was the principle of the Bill, and there did not appear to be any reason why the House should not accept it. In this change, as in all changes, there must be some difficulties to contend with, and he would admit that when there was a judicial declaration of title there was a possibility of some person being wronged; but the chance was infinitely small. He wished to call the Solicitor-General's attention to the probable working of the Bill with reference to the complication that arose in mineral districts from leases of coals, lead, iron, and other articles of value under ground, which very frequently gave occasion to complicated titles.

Mr. BOWYER did not rise to oppose the Bill, but said that, according to the ordinary principles of judicial proceedings, they ought to have judex, actor, et reus; they must have a plaintiff and defendant; and one of the very first principles of law was, that decrees of the courts had no effect except with respect to the rights of persons who were before the courts. But this Bill proposed to create a court whose decrees would have effect upon persons who were not before it, and who might have no notice or knowledge whatever that any interference with their rights was contemplated.

Mr. HADFIELD believed that the Bill would not apply much to small properties, for it would be out of the power of the

owners to avail themselves of it. Such persons had very seldom got marketable titles. Thus, in South Lancashire, what were called "leases for ever" were very common—that was, fee simple estates subject to a rent-charge; and sometimes there were rent-charges upon rent-charges to an infinite degree. How could such persons trace out and register the ramifications of their titles?

Lord JOHN RUSSELL said, he thought the consequence would be that instead of everybody going into this court the general case would be that persons would not have recourse to it at all, and would continue to deal with their titles as they had hitherto. If, then, that were the case, it surely became of some importance for that House to deliberate well whether they should impose upon the country the expense of maintaining this new court, especially after the admission of the hon. and learned Solicitor-General that the whole of the future with reference to this project was uncertain. He found by the second part of the Bill that it would establish a new court, consisting of two judges—one at £3000 a year, and the other at £2500 a year—that there would be clerks at £1000 a year, and some secretaries with £300 a year. It might happen that there would not be business enough to occupy the Court. Besides, this Bill would add another evil, and that one of the greatest, to the existing evils connected with the administration of our laws. He referred to the variety and conflict of jurisdictions. They had heard much of late of attempts to remedy that state of things; and with that view extended powers had been given to the Court of Chancery and to the superior courts of common law. But here they seemed to be proceeding in another direction, and to be establishing a new court, which should have its own rules, and to which persons would have to resort instead of to the ordinary courts of law.

The SOLICITOR-GENERAL explained the reasons which led the Government to propose the establishment of a new court, and which was simply this—that the business to be done by this court was wholly different from the business of any court in this country. The judges of the Court of Chancery were certainly too much occupied from morning till night in deciding cases between plaintiffs and defendants to undertake the business that would arise under this Bill. A judge of the Court of Chancery could not shut himself in his room to read an abstract, which was what the judges of this new court would have to do if Parliament passed the Bill. Therefore they must either say there should be no court at all, or a new court must be created. Though it would have two judges, yet they would not be required to perform ordinary judicial duties, hearing arguments and evidence, and deciding upon them. They would be judges investigating titles, like conveyancers. Judicial conveyancers would be a more correct description of them,—examining the titles they were about to pronounce indefeasible; seeing that they were, in the language of conveyancing, "good titles." The measure was, to a certain extent, an experiment, and it could only be tried by means of a court of this description. The salaries of the judges were not disproportionately large, having regard to the class of men qualified to discharge the duties. The amount must be such as would induce good conveyancers to relinquish their practice to take the office. His hon. and learned friend the member for Newcastle had asked what he intended to do with property containing minerals; the fact being, that in the northern district the title to the surface was in one man, and that to the minerals in another. The first duty of the Court would be, to establish rules relative to the title under ground as well as above. If the title to the minerals were not made out, the Court would not give a certificate carrying minerals. The hon. member for Sheffield asked how it was proposed to deal with property in Lancashire and Yorkshire, much of which was liable to a small fee farm rent. Any person owning property of this description who came for a declaration of title would have to make a declaration that he was not the actual proprietor, but that the estate was subject to a fee farm rent. The owner would thus get a security better than he would otherwise obtain, for it would be stated on the register that a fee farm rent was payable on this land. The hon. member (Mr. Hadfield) also stated that the members of the legal profession engaged in the conveyance of land were opposed to the Bill. He must differ with the hon. gentleman on this point. He had received many communications from solicitors very largely engaged in practice, and although one section of the profession had doubts about the Bill, and had published a paper which had, no doubt, found its way into the hands of hon. members, yet a great number of solicitors of the greatest practice in conveyancing had expressed their approval of the measure. Upon this subject he might state that a deputation of the Incorporated Law Society, containing among them the most eminent solicitors in England, had waited upon him in regard to some of the clauses of the Bill. They stated, and they authorised him to repeat the statement in his place in the House of Commons, that their Council had considered the Bill, and approved the general principles of the Bill. They also desired this to be known, that if the House of Commons thought that the policy of this Bill ought to be approved, they did not desire that any effect which the measure might have upon their professional emoluments should stand in the way of its adoption. He thought that this statement was in the highest degree creditable to those honourable and upright men. He would now ask permission to say a word relative to the payment of solicitors in a measure of this kind. Under the present system of real property law the only circumstance that had rendered practicable the large amount of transfer of land that went on was the very efficient, honourable, upright manner in which this branch of the law had been conducted, especially by the country solicitors. The integrity of these learned persons, and the reliance justly placed upon their conduct, had relieved the transfer of land from the difficulties which, great as they now were, would be tenfold if the business had fallen into hands less honourable and efficient than the solicitors who had had the management of this branch of law. The Legislature had adopted the worst possible plan for the remuneration of solicitors, because it had afforded a motive—if they could be influenced by such a motive—to make the proceedings as cumbrous, as intricate, and as difficult as possible, by providing that the solicitors should be paid by the length and cumbrousness of their work. He should not be surprised if some objection were made by solicitors at an alteration which might affect their legitimate profits. They belonged to a class the maintenance of which was desirable, and almost necessary for transacting the business of the country, and he should be sorry to think that a measure, however useful in other respects to the public, should be injurious to them. He believed that the increased business which would accrue if this Bill passed, would fully compensate the solicitors for the want of that cumbrousness and length which might hitherto have made this business remunerative to them. More than this, however, he had provided that, in the registry of land, the business done by solicitors should be paid in future upon a scale of remuneration to be fixed by a proper authority on a principle more sound and safe than that hitherto adopted. In place of being paid by length, it might be desirable to provide that the remuneration should be ad valorem. This would be better both for the solicitor and the client, and it would get rid of that most unwise and injurious plan of paying for the conveyance of land which he had described.

REGISTRY OF LANDED ESTATES BILL.

The House went into committee on this Bill.

The first four clauses were agreed to, after which the CHAIRMAN reported progress, and obtained leave to sit again.

COUNTY COURTS BILL.

This Bill passed through committee.

REMISSION OF PENALTIES BILL.

This Bill was read a third time and passed.

PETITIONS OF RIGHT BILL.

This Bill was read a second time.

AFFIDAVITS BY COMMISSION, &c., BILL.

This Bill was read a second time.

EVIDENCE BY COMMISSION BILL.

This Bill was read a third time and passed.

OATHS ACTS AMENDMENT BILL.

This Bill was read a second time.

*Tuesday, Mar.* 15.

Mr. BLACKBURN took the oaths and his seat on his re-election to Stirlingshire.

*Wednesday, Mar.* 16.

BANKRUPTCY AND INSOLVENCY BILL.

Lord J. RUSSELL moved, that this Bill should be read a second time.

Mr. BAINES, as the representative of a large manufacturing town, desired to express their feeling and that of the other commercial communities of the north of England, so far as he had been able to ascertain it, upon this subject. He had never visited his constituents without hearing the loudest and most unanimous complaints as to the state of the law with regard to bankruptcy and insolvency. It had been stated by one of the

Commissioners of Bankruptcy that in the Leeds district no less than 50 per cent. of the assets were consumed by the present mode of working a bankruptcy and the litigation to which it naturally and necessarily gave rise. His constituents were of opinion that the difference between bankruptcy and insolvency should be done away with, and that the complications of the existing bankruptcy law should be got rid of by the substitution for the existing statutes and decisions of a code at once plain, simple, and intelligible. It was one of the recommendations of the noble Lord's Bill, that it effected this object, which appeared to have been lost sight of in the measure which had been introduced in another place, by the repeal of the whole or portions of twenty different Acts of Parliament, and the reduction into one statute of the whole law of bankruptcy and insolvency. Other advantages which it possessed were, that it facilitated those voluntary arrangements to which it was essential that creditors should have power to have recourse, and that it provided a means for rendering productive the estates of insolvents who had died. On the whole, his constituents were of opinion that this was a most valuable measure, and one which, with a few alterations that might be made in committee, would remove all the evils of which they and the rest of the mercantile community complained. Upon two points they desired him especially to insist—viz. the consolidation of the law upon this subject by its reduction to a single statute, and the provision without loss of time of a remedy for the state of things from which they were now suffering.

The ATTORNEY-GENERAL said that there could be no doubt that the main principles of this Bill must receive the sanction of Parliament.

Mr. J. D. FITZGERALD thought the Bill a great improvement on the present law; he had embodied the main principles of the measure in the Bill on this subject he had himself introduced for Ireland; that Bill had worked very advantageously.

Mr. CRAWFORD stated that the opinion of mercantile men in the city of London was more favourable to the Bill before the House than to the measure introduced by the Lord Chancellor. The latter measure would be generally opposed by the commercial community.

Mr. AKROYD said, the measure had been considered by a committee of mercantile men out of doors; its principle and provisions had also been discussed by the Chambers of Commerce throughout the country; and, without exception, the opinion of those bodies was favourable to the Bill. Under the present Bankruptcy Law ninety per cent. of the cases that occurred were settled out of court; only 10 per cent. of the cases were brought under its jurisdiction. The present court was, therefore, almost a nonentity. It was one great improvement effected by the measure, that under it cases of bankruptcy might be carried into the county courts; the facts would thus be investigated by tribunals close to where the cases occurred. He approved the penalties for commercial frauds.

Mr. HEADLAM believed they were all agreed on the main purpose of the Bill; the only question was, how it should be carried into effect. There were no objections to the measure that could not be sufficiently considered in committee.

Mr. CROSSLEY thought the Bill better calculated to meet the wants of the commercial body than the one originated in another place.

Lord J. RUSSELL thanked the House for the generally favourable expression of opinion with which it had received the Bill. He did not think it necessary to refer the Bill to a select committee. With the information and assistance the House had from gentlemen of commercial and legal knowledge, he thought it was quite able to come to a decision on the questions involved.

The Bill was then read a second time, and ordered to be committed that day fortnight.

LUNATIC POOR (IRELAND) BILL.

This Bill was referred to a select committee.

OATHS ACT AMENDMENT BILL.

This Bill passed through committee.

MUNICIPAL ELECTORS BILL.

On the question that this Bill be amended and considered,

Mr. J. A. TURNER moved that the 6th clause, as to the duties of the revising barristers and the mayor and assessors, be struck out, which was agreed to, and the words "revising barrister" omitted in the remaining clauses of the Bill.

Several amendments having been made in other clauses, the Bill was ordered to be read a third time on Wednesday next.

COUNTY COURTS BILL.

This Bill was read a third time and passed.

*Thursday, Mar.* 17.

In reply to Mr. Cowan, it was stated by Sir Stafford Northcote that the deduction of 7½ per cent. from the price of draught and receipt stamps withheld from the people of Scotland, and granted to other parts, should be extended to Scotland in the course of next week.

STAMPS ON DEEDS.

Mr. DUNLOP asked the Secretary to the Treasury whether, with reference to deeds under the Landed Titles (Scotland) Act of last year, arrangements were being made, which would relieve parties from the inconveniences and risk of sending their titles to London for the purpose of having the stamp applicable to the endorsed deed impressed thereon.

Sir S. NORTHCOTE said, in the absence of any complaint no arrangements had been made, but if the risk and inconvenience were proved to be very great, it would no doubt come again under the notice of the Government.

THE ADMIRALTY COURT.

Mr. Hadfield moved for leave to bring in a Bill to enable serjeants, barristers, attorneys, and solicitors, to practise in the High Court of Admiralty.

The ATTORNEY-GENERAL said, it was the intention of the Government to bring in a Bill that would accomplish the same objects.

After a few words from Sir R. BETHELL, leave was given to bring in the Bill.

CHARITABLE USES.

Mr. HADFIELD obtained leave to bring in a Bill to amend the law relating to the conveyance of lands for charitable uses.

LAWS OF JERSEY.

Mr. HADFIELD moved an address to the Crown for a commission to inquire into the civil laws of Jersey.

The motion was agreed to.

ENDOWED SCHOOLS (NO. 2) BILL.

This Bill was postponed for a fortnight.

Mr. MALINS gave notice that he would move that the Bill be read a second time that day six months.

LAW OF PROPERTY AND TRUSTEES RELIEF AMENDMENT BILL.

The House went into committee on this Bill, and clauses 1 & 2 were agreed to.

OATHS ACT AMENDMENT.

This Bill was read a third time and passed.

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NEW GOVERNMENT OFFICES AND COURTS OF LAW.—A Government Bill, under the care of Lord J. Manners, M.P., and Sir S. Northcote, M.P., empowers the Commissioners of Works to acquire a site for additional public offices near Whitehall and "Her Majesty's Palace at Westminster." The property to be purchased, in order that a site may be acquired, includes houses and yards in St. Margaret's parish, in Crown-court, in Lower Crown-street, in King-street, in Charles-street, and in Duke-street. Last, not least, however, the schedule includes certain "steps or way;" "a gravel road," and an "enclosed lawn" in St. James's-park, in the "occupation" of the Crown. Where these may be situate—no map being appended—we have no means of ascertaining. The Commissioners are required to make good to the parishes of St. Margaret and St. John the Evangelist, Westminster, the deficiencies in their rates. A second Bill provides for the acquisition of a site for the Court of Probate, and the registries, &c., connected with it. The property in the schedule to be dealt with for the purposes of the Act lies in Bennett's-hill, George-court, Upper Thames-street, Helmet-court, Addle-hill, Great Knightrider-street, and the College of Advocates and Doctors of Law.

OATHS AND AFFIRMATIONS.—A Bill of Mr. Fitzroy, Mr. E. Reydell Bouverie, and Mr. Bright, provides further for the conscientious scruples of the Society of Friends, vulgarly called Quakers. For the form of affirmation at present directed to be made by Quakers and others who refuse, on religious grounds, to swear at all, the following will be substituted:—

I, A. B., do solemnly, sincerely, and truly, declare and affirm that I will be faithful and bear true allegiance to Queen Victoria, and to her will be faithful against all conspiracies and attempts whatever which shall be made upon her person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to Queen Victoria, her heirs, and successors, all treasons and traitorous conspiracies which I shall know to be formed against her or them; and I will be true and faithful to the succession of the Crown, which succession, by an Act entitled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress

of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and refusing any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.

And the making and subscribing of such affirmation by a person hereinbefore authorised to make and subscribe the same shall have the same force and effect as the taking and subscribing by other persons of the oath appointed by the said Act of the 22nd year of her present Majesty. The object is obvious, viz. to get rid of the folly, not to say the impiety, of renouncing non-existent "Pretenders" to the Crown of this realm.

COURT FOR DIVORCE AND MATRIMONIAL CAUSES. — A variety of details relative to the rules, regulations, fees, &c., at this court, were issued on the 11th inst., in a Parliamentary return. The total amount of fees received in the year ending the 31st December last was, £1556 7s. The salary of the Judge Ordinary as such, and also as judge of her Majesty's Court of Probate, £5000. The officers of the Divorce Court hold their offices as officers of the Court of Probate. Four persons, however, are exclusively engaged in the performance of the duties of the Divorce Court—viz. a first clerk at a salary of £350 per annum; a second clerk and accountant with £200; a third clerk with £120; and a messenger with £50. The salaries of the Judge Ordinary, and of the various officers, and also the incidental expenses of the court, are paid by the Treasury out of the proceeds arising from the sale of stamps used in the Court of Probate and the Court for Divorce and Matrimonial Causes.

## The Provinces.

LEEDS.—The new courts at the Town Hall were opened on Monday for the transaction of business. They have been fitted up in a handsome and substantial manner, and on the best plans which experience could suggest for public convenience and the administration of justice. A great number of magistrates were present. The Mayor, on taking his seat, said:—"Mr. Barr, gentlemen of the bar, and those connected with the administration of justice in this borough,—I have much pleasure, along with my brother magistrates, in opening this court on this occasion. I assure you that we feel deeply interested in opening this large and elegant court. We have reason to believe that the administration of justice in this borough has hitherto been satisfactory, but we hope that the additional facilities which will be afforded here, will enable us to discharge the duties devolving upon us still more to the advantage of the public. I congratulate you on this auspicious occasion." Mr. Barr, in reply, said,—"Mr. Mayor and gentlemen,—On behalf of myself, of the advocates who attend here, and of the officers of the court generally, I beg heartily to reciprocate the observations which your Worship has just made, and to congratulate the Bench and all attending here on the convenience which this court, and the arrangements connected with it, will secure. I have the full assurance, Sir, that the administration of justice in this court will afford no just ground of complaint, either on the part of the magistrates or the officers connected with the court."

*Borough Jail.*—We regret to hear that, in consequence of certain allegations affecting the governor of the borough jail and the keeper of the lock-up at the Town-hall, but which do not involve a criminal charge, the magistrates, in jail sessions, have considered it necessary to suspend both those officers."—*Leeds Mercury.*

LIVERPOOL.—*Suppression of Night-houses.*—A meeting of magistrates took place on Monday afternoon, at which a long and animated discussion took place as to the propriety of the order recently issued by Mr. Mansfield, the stipendiary magistrate, forbidding the police laying informations against the keepers of night-houses. Mr. Mansfield warmly defended himself, stating that he had found that the police had been unduly influenced and interfered with by the Society for the Suppression of Vice; and that, under the auspices and encouragement of this society, they had exceeded their proper functions and duties in a way which tended to bring a scandal upon justice, while it did not promote the suppression of vice. The feeling of the rest of the bench, with few exceptions, was against Mr. Manafield, their opinion being that he should at least have consulted his brother magistrates before issuing such an order. It was resolved to rescind Mr. Mansfield's order, but ultimately this was rendered unnecessary by Mr. Mansfield withdrawing the order.

STAFFORD.—*Imperfect Depositions.*—Mr. Baron Channell observed, that, during the present assizes for this county, he had had several occasions to complain of the careless manner in which the depositions were returned. In more than one instance the depositions relating to one case had been intermixed with those of another, and there was, of course, the greatest difficulty in unravelling the complication which this mode of doing the business occasioned. It seemed as if the depositions had been taken to pieces in order to be copied by the attorney who had the conduct of the prosecution, and that mistakes were made in putting them together. His Lordship also complained that when prisoners made statements before the magistrates, in some cases those statements were not returned. The Act of Parliament ought always to be observed; and the magistrate should either return the prisoner's statement, or, when that was the case, state that the prisoner said nothing. This was very important for the interests of justice, in order that the jury might take the prisoner's statement into consideration. His Lordship said, that depositions taken by magistrates' clerks under the Act of Parliament were in the nature of records, and ought never to be undone. Mistakes had occurred in two or three instances, apparently from the depositions being undone, and then pinned together.

## Ireland.

### THE PHŒNIX CLUB PROSECUTIONS.

TRALEE, Tuesday.

The jury, after having been locked up for twenty-two hours, have been discharged without giving a verdict. The assizes have been adjourned to the 30th inst. The division of the jury was, as stated by a juror, ten to two.

Mr. Serjeant Shee has addressed the electors of the county of Kilkenny, in anticipation of a dissolution of Parliament.

## Scotland.

### EDINBURGH.

SECOND DIVISION.

*Mrs. Landers* v. *Her Son.*

The defendant in this action of aliment at the instance of his mother, who is now seventy-seven years of age, is lieutenant-colonel Landers, who is in receipt of £1500 a-year of income. The mother has £10 a-year from the Exchequer, and £50 a-year from another son, or £60 in all, £50 being the provision stipulated for her in her marriage contract. The Court, without criticising the motives of the defendant, held, that as he stood upon the strict letter of the law, they could not interfere, £60 being not an inadequate income for the pursuer.

### HIGH COURT OF JUSTICIARY.

CELEBRATING CLANDESTINE MARRIAGES.

*Her Majesty's Advocate* v. *John Ballantine.*

All the seven judges of the High Court of Justiciary have held that celebrating marriages without proclamation of banns, is not a crime at common law, but that it came under a statute of 1661, punishing it by banishment from Scotland. Marriage itself being a civil contract, constituted in Scotland by consent and proved by witnesses, none of them thought that simply being a witness to attest the marriage could constitute the crime, but that some ceremony must be conducted in order to constitute.

### THE VACANT JUDGESHIP.

On the morning after Lord Murray's death, the court was crowded to hear what the Lord Justice Clerk Inglis, on whose right hand he sat, had to say of him; but all were disappointed, and some disgusted, when he came in looking as if he considered the whole matter a bore, and commenced at once to the business of the court. On the morning of his funeral, in moving the Court to adjourn to attend it, he paid a very graceful tribute to his memory—all that anyone could have wished had it come sooner.

The present Lord Advocate, Mr. Charles Baillie, will almost certainly be elevated to the bench, and Mr. David Mure, brother of Colonel of Caldwell, the Solicitor-General, will be Lord Advocate.

## Reviews.

*Private Bill Legislation: comprising the Steps required to be taken by Promoters or Opponents of a Private Bill before and after its Presentation to Parliament; and the Standing Orders of both Houses. With Notes.* By S. B. BRISTOWE, Esq., of the Inner Temple, Barrister-at-Law. London: Knight & Co., Fleet-street.

In a former volume we attempted to give some account of the practice of Parliament as to Private Bill Legislation. Of late years, the mass of such business has become so great, and the rules applicable to it so voluminous, that the profession imperatively demanded some guide on the subject, which we endeavoured to supply, as far as our space permitted. In common, however, with many others in the profession, we felt convinced that so decided a want would not be allowed to remain very long unmet; and it affords us no little gratification to find that the task has been so ably accomplished as it has been in the work now before us. Mr. Bristowe's aim has been to give a detailed account of the steps necessary to be taken by promoters and opponents of private bills, and of the practice of the House respecting them. In this he has fully succeeded in an introductory chapter, which contains a great deal of information not to be found in any other work. The remainder of the book is principally devoted to the Standing Orders of both Houses as printed in 1858, with copious and useful notes, making frequent reference to the journals of the Houses; and there is, also, an admirable index consisting of fifty pages. The latter, probably, will be the most valuable part of the work to regular Parliamentary practitioners. Upon the whole, we consider it one of the most useful and complete manuals of practice that has appeared for a long time.

*Le Barreau de Bordeaux, de* 1775 *à* 1815. *Par* M. HENRI CHAUVOL, Avocat. Paris. 1856.

We have always entertained a great respect for the ancient magistracy of France. For many centuries previous to the Revolution it was the only body which struggled against the almost overwhelming power of the Crown and nobility. Of all the Parliaments of France, that of Paris possessed the greatest influence, and counted in its ranks the most distinguished names; but each of the provinces had its own Parliament, and could boast of a magistracy which, although not equal in influence and celebrity to that of Paris, still strove, and with no ill success, to add lustre to the order of which they formed a part. A perusal of the work which is named at the head of this paper, has carried us back in imagination to the days when a l'Hôpital, a Molé, and a d'Aguesseau, made glorious the annals of a profession to which they religiously devoted their lives. To them their profession was a sacred duty; with their earliest breath they drew in maxims of honour and wisdom, which were afterwards to guide them in the exercise of those magisterial powers which they might be said to have inherited. For it must be remembered that during the existence of what Mr. Buckle calls the protective system in France, the magistracy was a body apart; the noblesse de la robe was as exclusive as the noblesse de l'epée, and it was as difficult for the mere roturier to gain admission into one as into the other. Closely allied to, and forming a part of, the magistracy was the order of advocates. Before the Revolution the advocates were subjected to very stringent rules. They were obliged to appear on all occasions dressed in the peculiar, and not ungraceful costume, prescribed to them; a black dress, with their hair falling on the shoulders, and collected behind by means of a buckle. The rules for the regulation of the order did not stop at these merely outward observances. There were others addressed to the heart and intellect of the avocat. The profession he embraced was to be a perpetual curriculum of ethics, and what we now call social science. The science and art of eloquence were, it is true, leading objects of admiration to the French bar under the old régime; but it set the highest value upon an integrity, proof against every temptation; vir probus dicendi peritus. Of all the provincial Parliaments of France, that of Bordeaux was probably the most distinguished. When we remind our readers that in the number of its magistrates it included a Montaigne and a Montesquieu, and that among its advocates were found the most illustrious members of that political party which lives in history as the Girondists, we shall need no apology for devoting a small portion of our space to a glance at the bar of Bordeaux.

M. Chauvol commences his work with the period when the ancient Parliaments, sent into exile during the chancellorship of M. Maupeon, were restored to their pristine honour by Louis XVI., who had lately ascended the throne. The people of Guyenne were much attached to their old magistracy, which had suffered for having defended their rights, and the restoration to their dignities of this venerable body was regarded as a popular triumph. We can imagine the pride with which the president of the Parliament addressed his colleagues on that occasion nearly fifteen years before the great Revolution which changed the face of France. "It is in this place," he said, "that I have sworn to hold the balance of justice with an even hand. From the enclosure of that bar, where all the talents and all the virtues shine forth once more before me, I shall hear again the incessant thunder of the accents of eloquence. Free men, I find myself once more among you! Oh, my friends! once more, then, we are about, inflamed by a generous emulation, together to protect the cause of oppressed innocence. . . . . Liberty, O sweet name of Liberty! Liberty, Truth, Justice, only sources of the little happiness of which humanity is susceptible—only objects really worthy of the devotion of a free man, and the passion of an immortal soul—I consecrate to you, for ever, in this temple, both the pale ray of intellect which shines in the man, and the few remaining days left to me." From its restoration in 1775 until the year 1789, the bar of Bordeaux produced many advocates of rare merit. Dupaty, Jean Desèze, Martignac Père, Brochon, and Cazalet, were men of the highest distinction, both as advocates, and subsequently as magistrates. Dupaty had the honour of being the first victim of the persecution carried on against the magistracy during the last years of Louis XV. He refused to register an edict which he deemed to be illegal, and was deprived of his place and imprisoned. He was not restored to liberty until after the accession of Louis XVI. The name of Desèze is best known to us as that of the eloquent and fearless defender of Louis XVI., but he was descended from a family long illustrious in the history of the magistracy; and his father, Jean Desèze, was a man of no mean ability. His defence of the Jesuits should not be passed by in silence. It had been proposed to the general of that famous order to make certain reforms in their constitution; he simply answered, by way of endorsement, "Sint ut sunt aut non sint." Their total suppression was, therefore, resolved on. Desèze was almost their only supporter at the Palais. After recapitulating the many charges brought against the order, he cries out:—"It is, then, from this cavern—this den of lions and tigers, greedy for the blood of nations and kings—that have gone forth those missionaries who moistened with their blood the burning sands of India, the snows and ice of North America—those theologians, those preachers, those men so celebrated for the purity of their morals, for their erudition, their talents, and the services which they rendered to both Church and State." Jean Deseze had not the opportunity which his illustrious son possessed—of defending a king, accused by his people; but in the annals of the bar of Bordeaux his reputation as a lawyer was equally great.

About the period of the Revolution, a new generation of advocates appeared. The opinions propagated by Voltaire, Rousseau, D'Alembert, and the Encyclopedists, had become diffused among the people generally, and were embraced by many of the members of the bar with especial ardour. The preceding generation had relied on the simplicity and severity of their logic; the new race learned that in order to move men you must study the springs of passion. Hence that searching for harmonious language, that attention to the gesture, that modulation of the voice; hence that literary colouring, that easy delivery, that heat and impetuosity of style and manner, which we discern in the new generation. Science yielded the palm to eloquence, and abdicated the throne she had formerly occupied in the Palais. The first advocate of the new school we have to mention is Romain Desèze. Having entered upon the practice of his profession at the early age of twenty-one, Desèze soon became celebrated as one of the most distinguished advocates of the Bordeaux bar. Such was his reputation, that while he was yet a very young man, at the earnest solicitation of the celebrated Gerbier, he became a member of the bar of Paris. There he did not disappoint the hopes which had been entertained of him. He became a member of the council of the queen, and the advocate of the Court of Provence. When the Baron de Besenval was charged with the crime of lèse-nation for having repelled the attacks of the populace who endeavoured to take the arms of his regiment, Desèze was his counsel. Strongly attached to thrones, but approving of the reforms resulting from the movement of 1789, Desèze spoke thus of the revolution and of the men who were its cause:—"In congratulating ourselves as citizens on the revolution which astonishes ourselves, although it is our own work, in giving ourselves up to the admiration with which it inspires us, have we the right

to exercise resentment or to provoke vengeance against those who, without foreseeing this memorable revolution, and perhaps without desiring it, have seen its arrival with a sort of uneasiness, and have not at first rendered it the same homage as ourselves? . . . . I speak only of those who, up to the moment that the nation re-conquered the imprescriptible rights which were received from the Author of nature himself, have only seen the nation in the sovereign who ruled it—who recognised no other authority as legitimate but that which his predecessors had transmitted to him—who have constantly obeyed this authority—who have placed their duty on this obedience, and believed they honoured the people by honouring thus the monarch. . . And I ask, what is their crime? . . He who thus speaks to you is a man who holds your opinions, who also has shared your dangers—who, like you, is the friend of liberty—but who does not believe that liberty can subsist without justice. . . . They lived—those men whom you accuse—they lived in a monarchy which existed for fourteeen centuries. They were accustomed to yield to authority. That submission, which formed part of French honour, was also their glory. They placed their greatest glory in their greatest fidelity." The greatest triumph of Desèze as an advocate was his defence of Louis XVI. His answer to the invitation to defend the king is well known: "I have read a decree of the General Council to the effect, that the counsel for the defence, having once entered the Temple, can only leave it with his Majesty. I regard this decree as an act of proscription against the defenders of the king, but I devote myself to him." In the presence of Marat, Robespierre, and their adherents, he boldly says: "I will speak to you with the frankness of a free man. I look among you for judges—I see nothing but accusers! You wish to determine the fate of Louis, and it is you who accuse him, and you have already declared your wish! . . . . Louis, then, is to be the only Frenchman for whom there shall be neither law nor form! He shall have neither the rights of a citizen, nor the prerogatives of a king! He shall enjoy neither his former condition, nor his new one! Strange and inconceivable destiny! . . . Frenchmen, the revolution which regenerates you has developed great virtues: take care it has not weakened in your souls the feelings of humanity. Listen in anticipation to the voice of history. Louis ascended the throne at twenty, and at twenty he gave on the throne an example of morality; he brought to it no culpable weakness, no corrupting passion; he was frugal, just, exact; he showed himself the constant friend of the people. . . . . The people wished for liberty—he gave it to them He came himself to meet them, in his desire to do them good; and yet, it is in the name of this very people that to-day it is asked, . . . Citizens, I do not finish—I stop in the presence of history: think that she will pronounce upon your decision, and that her judgment will be that of centuries!" One of the strangest circumstances of a strange epoch is, that Desèze, though he remained in Paris, escaped the proscription of the ruthless triumvirs. He continued in private life until the Restoration, when he was appointed President of the Supreme Court, where he continued until his death (1828).

*(To be continued.)*

## Societies and Institutions.

### MANCHESTER LAW ASSOCIATION.

TITLE TO LANDED ESTATES BILL—REGISTRY OF LANDED ESTATES BILL—1859.

The sub-committee appointed by the committee of the Manchester Law Association have taken these Bills into their careful consideration.

There is no need to discuss the Bills in reference to any merely professional considerations. The Bills will not reduce the business of the solicitor. It is in the interest of the public only that the sub-committee proceed to offer some observations.

The House of Commons, the press, and the public assume, as a matter proved to demonstration, that the proposed measures will be beneficial and economical, and are indeed demanded by considerations of public policy and justice. The sub-committee have arrived at a very different conclusion. If the Bills be passed in anything like their present shape, they will neither ensure cheapness nor safety; on the contrary, they will increase expense, and multiply facilities for fraud.

The sub-committee premise that the Bills, as now framed, be very limited in their operation. They will not apply to the bulk of settled estates, nor to copyholds, nor to long leaseholds; nor will they confer any benefit upon the person who shall obtain the declaration of title, except he sell his property to a purchaser for valuable consideration. If the principles of the Bills be vicious, it is well that their operation should be confined to as few cases as possible. But let the matter be fully understood. Let it be fully understood, too, that the plan of a Landed Estates Court was discussed by the Commissioners upon whose report the Bills profess to be founded, and *was unanimously rejected by them.*

The leading principle of the Titles Bill may be thus shortly stated:—It is desirable that the owner of property, who may wish for a declaration of indefeasible title, shall have the means of acquiring it, through the intervention of a Court, which shall investigate his evidences, and, on approval, give a certificate accordingly. This proposition cannot be denied, if it be confined to the case of an owner of property wholly unincumbered, whose title can be investigated without dragging into the inquiry the title of any other person. But it is not just, for the purpose of benefiting this comparatively small class of proprietors, to imperil the rights either of an incumbrancer, or of any other owner of property, who does not, for his own purposes, request inquiry. Owners claiming under derivative titles have acquired them, in most instances, under qualified covenants only. What right have they to violate the essential conditions of their purchase, and, in the attempt to benefit themselves, to challenge, and possibly endanger, the titles of those under whom they claim? It is clearly as contrary to public policy as to justice, that, with the view of ascertaining the rights of one man, those of innocent and contented persons should undergo judicial sifting, with the chance of judicial rejection. It is no answer to say that every man who discloses his title to a purchaser must submit to the probability that subsequent purchasers may discover its defects. There is an obvious difference between objections taken by an adverse practitioner, and those formally adjudicated to be substantial by a court of justice. Every property taken into such a court, and not successfully brought out of it, will be depreciated, and the owner fettered as to future dealings with it. Take the case of a large landowner: he sells a small farm, conveys it with qualified covenants for title, sometimes covenanting also for production of his deeds from a particular date, whilst, at other times, the purchaser relies upon the almost immemorial holding of the vendor and of his ancestors. Suppose the purchaser shall wish to avail himself of the proposed measure, whilst the vendor has reasons for not doing so. Why should the purchaser compel the vendor to submit his title to judicial inquiry? He was satisfied to pay his money and to get his conveyance according to the terms of his contract; and what right has he to re-open the transaction?

And here may be noticed the power which the Bill proposes to give (s. 18)—of applying for an indefeasible title, in the case of a purchaser, if the purchaser give security for the payment to the vendor of all such additional expenses as he may sustain by reason of the application. Suppose a contract to be carefully worded, so as to provide against some particular state of the title: why should the matter be disclosed until the purchaser has paid his purchase-money? Until then he will be sporting with the property of another, rather than dealing with his own.

There are numerous and important cases, relating to land in Lancashire and Cheshire, which more strongly illustrate the injustice of the proposed system. In the manufacturing parts of those counties, and especially in towns and in the adjacent districts, the large landowners lay out their estates for building. They often sell in fee; not for a sum of money in gross, but reserving yearly ground-rents, commonly called chief-rents. Is it right that a purchaser of a few hundred yards of one of these estates (some of them of great extent) at a ground-rent of £5 or £10 per annum, should, for the purpose of availing himself of any advantage supposed to be conferred by the system, be allowed to bring into discussion, and practically to challenge the title of the landowner under whom he claims, and who himself retains the first charge upon the land, in the shape of the ground-rent?

And this raises more distinctly the question of the policy of the Bill, as regarding estates subject to any class of incumbrances. Why should a mortgagor, for instance, be permitted to raise questions which may shake the title of the mortgagee, who, probably, depends solely on his security; and why should any other owner of property subject to incumbrances jeopardise the charge? At all events let him pay off the incumbrance before he seek a certificate of title.

If proper protection could be given to incumbrancers, the weight of the preceding considerations would, as to that class of persons, be removed. The Bill of course admits that incumbrancers must have proper notice. The *London Gazette*

would seem to be the first resource. But, probably, the framers of the measure conceived that its application would be so extensive as to render that recognised medium of authorised advertisement too circumscribed for the purpose. As the Bill stands, the choice of newspapers is left to the discretion of the Court, and notices are to be affixed to the land. But many owners of property, and of incumbrances on property, reside at long distances, and have no means of seeing the newspapers in which such notices may be given. And how many newspapers must a person of large properties in various places read, if he wish to be safe. But the Bill itself admits that notices and newspapers are not sufficient precautions.

And let it be specially observed that, in many instances, the incumbrance will not appear on the face of the abstract, even should it show the sixty years' title. Take the common case of land held upon ground-rents, such as those before mentioned. A large piece of land has been sold on a perpetual chief or ground rent. This piece has been divided and subdivided on sale, also on chief rents (on each subdivision, the rent immediately preceding being the only one noticed and indemnified against by the vendor); and, in much less than sixty years, the original rent has ceased to be noticed on the deeds, and the actual owner of the land is ignorant of its existence. He pays his ground-rent to the party conveying to him; that person to the next immediately precedent rent-owner, and so on; the original rent being paid by the parties who have acquired, and who now own the rents created on an early subdivision of the land. So matters have proceeded in the counties before-named for nearly a century; so they must proceed unless the system be stopped; a result, not desirable on grounds of public policy, since it facilitates the acquisition of land by the humbler classes of society. It frequently happens, too, that a sixty years' title does not give any notice of the original conveyance. The owner of the original rent thereby reserved does not receive it from the person in possession of the land; and he never troubles himself to inquire who is the owner. Streets may have been laid out; the names of streets may have been (they occasionally are) changed; so that, even if the chief-rent owner did keep up his newspaper-reading, he might not know what was doing. Now, ought the rights of the owner of the first ground-rent to be thus dealt with? Is it said that all former ground-rents, and other incumbrances, ought to appear on the face of every transfer of the land to which they relate? Then to what length must the simplest transfer of the smallest property run? It may be remarked generally, that, to guard for the future against the dangers arising from the proposed system, every possible recital and notice must appear on the face of every deed. But the expense!

Surely the least that can be done for an owner or incumbrancer, whom the notices prescribed by the Legislature fail to reach, is, that he shall be provided by the Act with a sufficient indemnity against the loss of his property. It has been suggested also that the dangers threatening the owners of chief-rents might be avoided, by including that class of charges in the ninth section of the Bill, as amended in committee. But these suggestions only illustrate the more strongly the inconsistency of the entire measure with all established notions. Will the Legislature incur any such responsibility? Or increase the number of doubts which will still affect titles termed indefeasible?

As a condition of such benefits as the new system will confer, the owner must, in exchange for the certificate of an indefeasible title, for ever part with the possession of such of his title-deeds as relate exclusively to the land, and are available for proving the title. By this plan, one portion of the deeds will, in very many cases, be deposited with the Court, and the rest continue in the possession of the owner. But what trouble and expense will be thus occasioned!

Answers to some of the preceding objections will be found in the system of cautions provided by the bill relating to titles. But how will this work? The new system puts every man upon his guard. Hence the very idea of these cautions. Who will be satisfied unless he has taken every care to defend himself? It is conceived that, to place himself in the best possible position, every holder of property in land, and of every interest therein and incumbrance thereon, must, the day the Act shall pass, lodge his caution with an address in England, and by himself and his successors, perpetually maintain that address upon the books of the Court. It must be well considered that, now, fraud confers no title, as between the defrauder and an innocent holder; although (and this is material as suggesting, under both the present and the proposed system, the necessity of adopting every possible legal precaution) it may confer a title as against one of two or more innocent parties. But when indefeasible titles are talked about, of which some of the main foundations are to be the perusal of newspapers and the affixing of notices, who will be justified in neglecting to lodge his caution? At all events, the solicitor will recommend it; but, his advice followed, how many cautions will have to be lodged, and at what expense?

The Registry of Landed Estates Bill is entirely supplementary to that already considered; and the first and fatal objection to the second Bill is its adoption of one metropolitan registry. A single illustration of the monstrous injustice and inconvenience of such an arrangement will suffice. Mortgagees are to rank according to order of registry. No mortgagee, therefore, will actually part with his money until his charge be registered; neither will the mortgagor register the charge until he has got his money; but, if so, all mortgage transactions must be settled in London. Clauses might probably be devised providing against this patent absurdity. But the whole arrangement is in direct contravention of a principle long discussed, but settled by the Probate Act of a recent session. Justice must travel to every man's door, and every man is equally entitled to equal facilities for dealing with his property; the man at York equally with him in London; and the small holder equally with the large. It is obvious that, instead of having one central registry, there should be local and district registries, unless the wants and interests of land-owners in the provinces are to be wholly ignored, and a palpable injustice perpetrated.

Many objections to the measures still remain. Two specimens will suffice. Under the proposed system of registration no *secret* mortgage will be possible; and the owner of land who, for family reasons, wishes to pledge his property, for a short period, will appear in the lists circulated through the empire, of bankrupts, insolvents, and persons who have given judgments and bills of sale. Will the owners of land consent to this? Is it reasonable they should? And, again, the poverty-stricken claimant of property, who receives notice that his rights, whether real or supposed, are threatened, may be required to give security for damages, before he be permitted to defend them.

The sub-committee recommend that these observations, if approved by the committee,* be forwarded to the members of the Association, with the view that the opinions of the Association shall be made known to those who repose so large a confidence in the legal profession. This done, the duty of the Association will have been duly discharged, and the Legislature must decide whether measures which shake the foundations of property, without conferring any practical benefit, are to receive the sanction of law.

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## INCORPORATED LAW SOCIETY.

### TITLE TO LANDED ESTATES BILL (Clause 68). REGISTRY OF LANDED ESTATES BILL (Clause 61).

*Observations on these Clauses, so far as the same relate to Certificated Conveyancers.*

It is submitted that certificated conveyancers should not be authorised or permitted to transact business properly belonging to solicitors, in carrying the proposed Acts into effect in the Landed Estates Court and registry.

It is believed that this would be the first instance in which this class of practitioners have been expressly recognised by Act of Parliament, except in the Stamp Act, which is merely a fiscal provision; and even this Act does not define their duties, but rather assumes that persons practising as such are acting under an authority derived from one of the four Inns of Court. It will be presently shown that this authority extends only to the function of a barrister, and is obviously intended as a temporary indulgence to a student who has kept his terms, and who is in progress to be called to the bar. The authority thus given to practise as a conveyancer, as in the case of a special pleader, to which it is analogous, is for one year only, but it may be renewed under the conditions laid down by the regulations adopted by all the four Inns of Court in 1852, which regulations were founded upon the report of the committee on legal education, made in Hilary Term, 1852.

By these regulations it is provided:—

"That it is expedient that no attorney-at-law, solicitor, writer to the signet, or writer to the Scotch courts, proctor, notary public, clerk in Chancery, Parliamentary agent, or agent in any court, original or appellate, clerk to any justice of the peace, or person acting in any of those capacities, should be admitted a member of any of the said societies for the purpose of being called to the bar, or of practising under the bar, until such person, being on the roll of any court, shall have taken

* The Committee unanimously adopted the report.

his name off the roll thereof; or until he and every other person above named or described shall have entirely and bonâ fide ceased to act or practise in any of the capacities above named or described."

Also, "That no member of any of the said societies should be allowed to apply for or take out any certificate to practise, either directly or indirectly, as a special pleader, or conveyancer, or draftsman in equity, without the special permission of the master of the bench of each society respectively, and that no such permission should be granted until the member applying shall have kept twelve terms. That such permission should only be granted for one year from the date thereof, but may be renewed annually by order as aforesaid."

And then follows a form of declaration to be made by each applicant for admission as a member, in which he is required to declare that he will not, directly or indirectly, apply for or take out any certificate to practise, directly or indirectly, as a special pleader, or conveyancer, or draftsman in equity, without the special permission of the masters of the bench of the society, and that he is not an attorney-at-law, solicitor, &c. (in the terms above given), and that he does not act, directly or indirectly, in any such capacity.

By these regulations the Inns of Court have taken the most stringent means of preventing any certificated conveyancer from engaging in the duties or capacity of an attorney, or solicitor, "or agent in any court, original or appellate;" and that any such person practising in either of the courts contemplated by these Bills will be acting in direct violation of the spirit, if not of the letter, of the rules of the inn of which he is a member.

It is unnecessary here to consider how far a certificated conveyancer is entitled, as such, to transact that part of conveyancing business which now belongs to a solicitor. In doing so, it is submitted that he is clearly acting in opposition to the intention and rules of his society.

It is believed that many of the persons who are practising as certificated conveyancers throughout the country are doing so upon the mere fiscal authority of the stamped certificate obtained from Somerset-house, and that they do not obtain the renewed authority from the masters of the Inns of Court required by the regulations.

This stamped certificate is obtained by simply filling up a printed form kept at the Stamp-office, in which the applicant is only required to state his name and residence, and of which Inn of Court he is a member. No proof is required that he is authorised by one of the four Inns of Court to practise, or that he is even a member of the inn of which he represents himself to be a member.

It is submitted, that much of the business to be done under the proposed Bills will require a knowledge, not only of the laws of real property, but also of business similar to that transacted by solicitors before the judges in chambers, and that the public will have no security against ignorance or incapacity, if other persons than solicitors are allowed to practise in these courts. It is as important for the due administration of the business in the proposed courts, as it is in the existing equity courts, that the practitioners should be officers amenable to the Courts, and answerable for misconduct of any kind, which the class of certificated conveyancers would scarcely be.

A solicitor undergoes a service of five years, and a somewhat severe test of his capacity to practise at the end of that period, before he is admitted and allowed to practise, while certificated conveyancers are not subjected to any such training. The former also qualifies himself at an actual outlay, in money, of some hundreds of pounds, besides a sacrifice of time for five years, without remuneration; whereas a certificated conveyancer, in order to enter into competition with him, has only to pay his fees and keep his terms as a member of his inn, and pay £9 per annum for his practising certificate.

It is therefore suggested, that there should be added to these clauses a provision, that no person, not being qualified for the time being, to practise as a barrister or solicitor in the High Court of Chancery, should be authorised to practise in the Landed Estates Court, and that any such unqualified person practising in such court should be liable to the same penalties and punishments as he would be subject to for practising in the Court of Chancery.

Law Society's Hall, Mar. 14, 1859.

## LAW AMENDMENT SOCIETY.

A general meeting of this society will be held next Monday evening, at eight o'clock, to resume the discussion on Mr. Edward Webster's paper, on the Solicitor-General's "Landed Estates Bill" and "Registry of Landed Estates Bill."

## DEBATING SOCIETY FOR LAW CLERKS.

A meeting of the Manchester law clerks took place on Wednesday evening last, at the Union-chambers, Dickenson-street, to take steps for the establishment of a debating society for non-articled clerks. The proposition was readily acceded to, and rules were adopted and officers elected. The society will meet weekly for the discussion of legal subjects, and otherwise aiding the clerks in their studies.

# Court Papers.

## Queen's Bench.

SITTINGS AT NISI PRIUS in Middlesex and London before the Right Hon. JOHN, LORD CAMPBELL, Lord Chief Justice of her Majesty's Court of Queen's Bench, in and after EASTER TERM, 1859.

IN TERM.

| *Middlesex.* | | *London.* | |
|---|---|---|---|
| 1st Sitting .... Monday .. | April 18 | 1st Sitting.... Wednesday, | April 27 |
| 2nd Sitting .... Friday .. | „ 29 | 2nd Sitting.... Wednesday, | May 4 |
| 3rd Sitting .... Friday .... | May 6 | | |

For undefended Causes only.

AFTER TERM.

| *Middlesex.* | | *London.* | |
|---|---|---|---|
| Friday ..... | May 13 | Tuesday ..... | May 17 |

The Court will sit at 10 o'clock every day.

The Causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

## Common Pleas.

SITTINGS AT NISI PRIUS in Middlesex and London before the Right Hon. Sir ALEXANDER EDMUND COCKBURN, Bart., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, in and after EASTER TERM, 1859.

IN TERM.

| *Middlesex.* | | *London.* | |
|---|---|---|---|
| Monday ..... | April 18 | Wednesday..... | April 27 |
| Friday ..... | „ 29 | Wednesday..... | May 4 |

AFTER TERM.

| *Middlesex.* | | *London.* | |
|---|---|---|---|
| Friday ..... | May 13 | Tuesday ..... | May 18 |

The Court will sit, during and after Term, at 10 o'clock.

The Causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

## Exchequer of Pleas.

SITTINGS AT NISI PRIUS in Middlesex and London before the Right Hon. Sir FREDERICK POLLOCK, Knt., Lord Chief Baron of her Majesty's Court of Exchequer, in and after EASTER TERM, 1859.

IN TERM.

| *Middlesex.* | | *London.* | |
|---|---|---|---|
| 1st Sitting ..... Monday | April 18 | 1st Sitting .... Wednesday | April 27 |
| 2nd Sitting ..... Friday.. | „ 29 | 2nd Sitting.... Wednesday | May 4 |
| 3rd Sitting ..... Friday.. | May 6 | | |

AFTER TERM.

| *Middlesex.* | | *London.* | |
|---|---|---|---|
| Friday ..... | May 13 | Tuesday ..... | May 17 |

The Court will sit during and after Term at 10 o'clock.

The Court will sit in Middlesex, at *Nisi Prius*, in Term, by adjournment from day to day until the Causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings, during Term, there will be two days for the trial of Causes.

## Court of Probate.

FURTHER RULES AND ORDERS TO BE HENCEFORTH OBSERVED IN HER MAJESTY'S COURT OF PROBATE.

IN CONTENTIOUS BUSINESS.

27. The entry of an appearance to the warning of a caveat shall set forth the interest in the effects of the deceased testator or intestate of the person on whose behalf such appearance is entered.

28. In a testamentary cause—when a will is opposed by a next-of-kin of the deceased testator, or by a person who would be entitled in distribution to his effects in case he should be pronounced to have died intestate, the party claiming under the will, though defendant in the suit, shall be the party to bring in the declaration, and the party claiming under an intestacy the party to plead thereto, at the times, and in the manner, required by former rules and orders in respect of contentious business in this court.

29. In all cases the party opposing a will may, with his pleas, give notice to the party setting up the will that he merely insists upon the will being proved in solemn form of law, and only intends to cross-examine the witnesses produced in support of the will, and he shall thereupon be at liberty to do so, and shall be subject to the same liabilities in respect of costs as he would have been under similar circumstances according to the practice of the Prerogative Court.

This 23rd day of February, 1859.

CRANWORTH, C.
CAMPBELL.
C. CRESWELL.

## Unclaimed Stock in the Bank of England.

*The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—*

ADAM, ARTHUR, Gent., Foley-place, Portland-place, £50 Consols.—Claimed by ARTHUR ADAM.

ALLEN, Right Rev. Dr. JOSEPH, Lord Bishop of Gloucester and Bristol, JOHN BURDER, Esq., Parliament-street, and WILLIAM LEWIS CLARKE, Esq., Bristol, Five Dividends on £2790 : 16 : 10 Consols.—Claimed by WILLIAM LEWTON CLARKE.

BAYLY, ELEANOR, Spinster, Brook-green, Eight Dividends on £787 : 10 : 0 3½ per Cents.—Claimed by MICHAEL FORRISTALL, acting executor of Rev. Edward Cox, who was surviving executor of Rev. Edward Norris, who was surviving executor of Right Rev. Thomas Griffiths, who was sole executor of Rev. Joseph Kimbell, who was surviving executor of the said Eleanor Bayly.

BECHER, JOHN REID, Lieutenant in the East India Company's Service, Bengal, £500 Consols.—Claimed by JOHN REID BECHER, now Brevet-Major in her Majesty's Bengal Engineers.

CHILD, CHARLOTTE, Spinster, Northfield, near Birmingham, £48 : 19 : 8 New 3 per Cents.—Claimed by CHARLOTTE CHILD.

COLLINGWOOD, WILLIAM, Gent., Newgate-market, and WILLIAM COLLINS, Gent., Highbury-park, Middlesex, £165 : 19 : 9 Reduced.—Claimed by WILLIAM COLLINGWOOD and CHARLOTTE COLLINGWOOD, Spinster, executors of William Collingwood, who was the survivor.

COOK, JOHN, Wheelwright, Aveley, Essex, £300 Consols.—Claimed by MARY DAVIES, Widow, administratrix, with will annexed, de bonis non.

DAY, GEORGE, Esq., Christchurch, Oxford, £90 : 18 : 2 Reduced.—Claimed by Rev. GEORGE DAY.

HAYDEN, SARAH, Spinster, Widington, Essex, £50 New 3 per Cents.—Claimed by SARAH HAYDEN.

LYON, DAVID, Esq., Grosvenor-place, Middlesex, and JAMES WILLIAM FRESHFIELD, jun., Gent., New Bank-buildings, One Dividend on £5393 : 14 : 2 Consols.—Claimed by DAVID LYON, the survivor.

MACADAM, JAMES, Surgeon, Bombay Establishment, Two Dividends on £5456 : 7 : 2 Consols.—Claimed by THOMAS WINGATE HENDERSON, the acting executor.

RHODES, HENRY, Architect, Margaret-street, Cavendish-square, £100 Consols.—Claimed by HENRY WILSON CHAPMAN, administrator de bonis non.

RIGBY, MARY, Spinster, and Rev. THOMAS GASKELL, Clerk, both of Newton, near Manchester, £100 3½ per Cents.—Claimed by THOMAS OLDFIELD COOPER, & OSWALD MILNE, executors of Mary Rigby.

ROBINSON, SARAH, Widow, Brompton-row, Middlesex, £2000 Consols.—Claimed by Rev. DAVID ROBINSON, clerk, the sole executor.

ROUSE, EDWARD, Esq., Finchley, and JAMES DEVEREUX HUSTLER, Esq., Park-street, Grosvenor-square, Two Dividends on £1608 : 2 : 4 Consols.—Claimed by EDWARD ROUSE.

TATHAM, ELIZABETH, Widow, Priory, Rose-hill, Oxon, One Dividend on £30,000 3½ per Cents.—Claimed by Rev. JOHN HALL and EDWARD FRAMPTON, administrators, with will annexed, de bonis non.

## Heirs at Law and Next of Kin.

*Advertised for in the* London Gazette *and elsewhere during the Week.*

CHILD, JOHN ADKINS (the son of Joseph and Frances Child), who formerly lived at Romsey. His heirs to apply to Mr. George Smith, Solicitor, Salisbury.

DALRYMPLE, GEORGE HADINTON, Lieutenant and Paymaster in her Majesty's 91st Regiment of Foot, late of the Piræus, in Greece (who died on or about June 12, 1826). Smith *v.* Dalrymple, V. C. Stuart. *Last Day for Proof*, Mar. 2.

FRANCES, MARIA PARTRIDGE, Spinster, Castle-gate, Derby. Her next of kin to apply to Welby & Flint, Solicitors, Uttoxeter.

MEDLAND, HENRY, nephew of William Medland, Esq., of Hertford, who left England for China in 1847. His heirs to apply to Mr. J. Clark, Solicitor, 35 Welbeck-street, Oxford-street, W.

OSBORN, CHARLES, residing in the neighbourhood of Woolwich. His next of kin to communicate with Vallance & Vallance, Solicitors, 20 Essex-street, Strand.

PORTER, ALEXANDER SMITH, Gent., Bransford-road, St. John's, near Worcester (who died in Sept., 1849). Jones *v.* Dighton, V. C. Kinderaley. *Last Day for Proof*, Mar. 19, for next of kin living at the time of his death.

## Births, Marriages, and Deaths.

### BIRTHS.

EYRE—On Mar. 12, at No. 9, Montague-place, Russell-square, the wife of G. L. Phipps Eyre, Esq., of a daughter.

MARTINDALE—On Mar. 9, at Barnes, the wife of S. M. Martindale, Esq., of a daughter.

RIVOLTA—On Mar. 13, at No. 10, Montague-street, Russell-square, the wife of Mr. D. A. Rivolta, of a daughter.

WHITE—On Mar. 16, at Notting-hill, the wife of Frederick T. White, Esq., of Lincoln's-inn, of a daughter.

WILLIAMS—On Mar. 17, at 146 Regent-street, the wife of A. K. Williams, Esq., Solicitor, of a daughter.

### MARRIAGES.

BANNISTER—CALDECOTT—On Mar. 8, at the parish church of Rugby, by the Rev. William Tait, Edward Bannister, Esq., of 12 Camden-square, and 13 John-street, Bedford-row, to Laura, youngest daughter of Thomas Caldecott, Esq., the Lodge, Rugby.

BLAKELEY—CARTLICH—On Mar. 10, at St. Werburgh's Church, by the Rev. W. F. Wilkinson, vicar, William Blakeley, Esq., Dewsbury, Yorkshire, to Maria Burton, eldest daughter of Thomas Cartlich, Esq., Woodland-villa, Derby.

BRAITHWAITE—SIEVIER—On Mar. 12, at St. John's, Upper Holloway, by the Rev. C. W. Edmonstone, M.A., Thomas Braithwaite, Esq., of Great Ormond-street, and Hereford, Solicitor, to Eleanor Malcolm, youngest daughter of Robert William Sievier, Esq., F.R.S.

HORMAN-FISHER—BROWNE—On Mar. 10, at Tong, Shropshire, by the Rev. G. W. Woodhouse, M.A., Vicar of Albrighton, assisted by the Rev. John W. Harding, M.A., and the Rev. G. G. Woodhouse, Roger Horman-Fisher, Esq., of the Middle Temple, to Ann Staples-Browne, of the Priory, Tong, widow of the late Thomas Staples-Browne.

NEVE—LEES—On Mar. 17, at Codsall, Staffordshire, by the Rev. Arthur Trower, John Neve, Esq., Solicitor, Wolverhampton, to Elizabeth, second daughter of the late Richard Lees, Esq., of Oaken, Staffordshire.

NORTH—KEPPEL—On Mar. 16, at North Creake, Norfolk, by the Hon. and Rev. Edward Keppel, Charles North, Captain Norfolk Artillery, and Barrister-at-law, only son of Frederick North, Esq., of Rougham, Norfolk, M.P., for Hastings, to Augusta, eldest daughter of the Hon. and Rev. Thomas Keppel, and niece of the Earl of Albemarle.

PEAKE—PEAKE—On Mar. 10, at St. Nicholas Church, Brighton, by the Vicar, the Rev. H. M. Wagner, Henry Lacy, third son of H. B. Peake, Esq., of Worcester, to Eleanor Fanny, daughter of J. B. Peake, Esq., and grandchildren of the late Thomas Peake, Serjeant-at-law.

### DEATHS.

DARVALL—On Mar. 11, at Reading, in his 69th year, Joseph Darvall, Esq., Solicitor.

ENGLEHEART—On Mar. 9, in her 65th year, Mary Jane, the wife of Nathaniel Brown Engleheart, of Doctors' Commons.

KNOX—On Mar. 14, at Berwick-upon-Tweed, Margaret, third daughter of the late Mr. John Knox, of that town, and sister of Mr. George Knox, of 3 Bloomsbury-square, London.

NEWILL—On Mar. 11, suddenly, at the residence of her mother, Erdington, near Birmingham, Jane, the wife of R. D. Newill, Esq., Solicitor, Wellington, Salop.

OLIPHANT—On Mar. 9, Sir Anthony Oliphant, C.B., late Chief Justice, aged 65,

TYERMAN—On Mar. 8, at Brompton, Catherine Ellen, third daughter of Frederick Tyerman, Esq., of Weymouth-street, Portland-place, and New-court, Temple, aged 18 months.

## Estate Exchange Report.

*(For the week ending March 12th, 1859.)*

AT THE MART.—By JOHN DAWSON & SON.

Leasehold Residence, No. 19, Ampthill-square, Regent's-park, term, 99 years from Lady-day, 1844; ground-rent, £10 per annum; let at £35 per annum.—Sold for £310.

By Mr. G. ROBINSON.

The Rosherville Gardens, at Rosherville, Northfleet, Kent, with the erections and buildings thereon, about 15 acres, held for 95 years from March, 1841, at the rent of £300 per annum; the Rosherville hotel and house in the grounds, held for 91 years from March, 1845, at £70 per annum; the Rosherville pier and landing-place, held for 21 years from March, 1857, at £160 per annum; and several plots of building-ground, held for 95 years from March, 1841, at £30 per annum.—Sold in one lot for £11,720.

By Messrs. RUSHWORTH & JARVIS.

Leasehold Residence, No. 6, Suffolk-street, Pall Mall East, held for 60½ years from Christmas last, at yearly rent of £55 : 2 : 6, and £3 : 5 : 0 per annum, in lieu of land-tax, let on lease at £200 per annum.—Sold for £1800.

Freehold Stabling, Coach and Horses Yard, Old Burlington-street.—Sold for £800.

By Messrs. NORTON, HOGGART & TRIST.

Freehold House & Shop, No. 63, High-street, Shoreditch, corner of Church-street, let on lease at £150 per annum.—Sold for £3310.

By Messrs. PLEWS & WALL.

Lease and Goodwill of Linendraper's Shop and Premises, No. 216, Oxford-street, held for 16¾ years from December, 1857, at £300 per annum.—Sold for £175 (Fixtures, £150.)

By Mr. DEBENHAM.

Freehold Houses, with large furniture warehouses, Nos. 15 & 16, Eldon-street, Moorfields; let at £80 per annum.—Sold for £1480 (in two lots).

Leasehold House and Shop, 2, Golden-lane, St. Luke's, and Four Houses in the rear, being Nos. 1 to 4, Bell-alley; term, 21 years from Midsummer, 1858; ground-rent, £36 per annum; let at £94 : 12 : 0 per annum.—Sold for £220.

Leasehold House and Shop, 1, Golden-lane, and Four Houses in the rear, being Nos. 1 to 4, Turk's-place; term, 21 years from Michaelmas, 1858; ground-rent, £20 per annum; let at £72 per annum.—Sold for £220.

By Mr. H. LOWDON.

Leasehold Residences, Nos. 14 & 15, Paragon, New Kent-road; also a smal. Cottage and Stable in the rear thereof; held for 45½ years from Lady-day, 1859; ground-rent, £18 per annum; let at £144 per annum.—Sold for £1400.

By Mr. CHAMPNESS.

Leasehold (Fifteen) Houses, Nos. 19 to 23, Harrow-alley, Nos. 1 to 3, Gravel-lane, and 1 to 7, Mount-court, St. Botolph, Aldgate; gross rental, £227 : 10 : 0; held for 300 years from Michaelmas, 1657, at a peppercorn.—Sold for £1700.

By Messrs. PRICKETT & SONS.

Freehold Building Land, St. Ann's-lane, Wandsworth, comprising 2a. 0r. 20p., with cottage, cow-sheds, and outbuildings thereon.—Sold for £1160.

Leasehold, Improved Ground-rent of £31 : 8 : 8 per annum, secured upon 10 houses, Bywater-street, King's-road, Chelsea; term, 63½ years from September, 1845.—Sold for £460.

By Mr. JAMES REYNOLDS.

Freehold, Two Acres of Meadow Land, Roydon, Essex; let at £4 per annum.—Sold for £100.

Freehold, 2a. 1r. 8p. of Meadow Land, on Pamdon-common, Pamdon, Essex.—Sold for £50.

By Mr. C. PUGH.

Leasehold, Semi-detached Cottage Residences, 92 & 93, Albany-road, Camberwell; held for an unexpired term of 24 years, free of ground-rent; let at £44 per annum.—Sold for £340.

Two Houses, Regina-road, Hornsey.—Sold for £545 (in 2 lots).

By Mr. MARSH.

Leasehold Houses, Nos. 1, 2, & 3, Dean-street South, and No. 13, Manpond, Tooley-street, Southwark; term, 61 years from March 25, 1835; ground-rent, £23 : 10 : 0 per annum; let at £148 per annum.—Sold for £1050.

The Life Interest of a Lady aged 51 years, in the sum of £126 : 18 : 0 per annum; also a policy for £1500 in the Argus on the same life.—Sold for £1300.

The Life Interest of a Gentleman aged 36, in the residue of an estate (to be invested in the public funds), which will not be less than £475.—Sold for £100.

The Absolute Reversion to One-fifth Part or Share of £13,000 Consols, and £2310 3½ per Cents., receivable on the decease of a Gentleman aged 77 years.—Sold for £1960.

AT GARRAWAY'S.—By Mr. MURRELL.

A nett improved Ground-rent of £17 per annum, arising from Nos. 1 to 10, and 16 to 21, Brown's-place, John-street, Wellington-street, Stoke Newington; term, 55½ years from June, 1858.—Sold for £265.

An improved Rent of £9 : 10 : 0 per annum, secured upon Nos. 1 to 9, John-street, Wellington-street; term, 55½ years from June, 1858.—Sold for £135.

Leasehold House and Premises, the "Hope" Coffee House, Eagle Wharf-road, New North-road; let at £38 per annum; term, 61 years from Sept. 29, 1844; ground-rent, £6.—Sold for £320.

Leasehold Corner Shop, No. 248, Whitechapel-road; let at £26 per annum, held for 500 years from Michaelmas, 1584, free of ground-rent.—Sold for £300.

By Messrs. FAREBROTHER, CLARK, & LYE.

Freehold Residence, No. 21, James-street, Buckingham-gate; let on lease for 40 years from Michaelmas, 1856; at £100 per annum.—Sold for 1860 guineas.

Freehold Houses and Shops, Nos. 19, 20, & 21, Milbank-street, Westminster; also, Milbank Wharf; let on lease at £39 per annum.—Sold for £1490.

Freehold Houses, Nos. 31 & 32, Milbank-street, with Wharf in rear thereof; let on lease at £140 per annum.—Sold for £3005.

Freehold Premises, Grub-street, Westminster; also a Dwelling House, No. 244, Market-street; let on lease at £9 per annum.—Sold for £1000.

Freehold Tenement and Land, Foss-bridge, Coln, St. Denis, Gloucestershire, in all about 3a. 0r. 24p., annual value, £12.—Sold for £330.

## English Funds.

| ENGLISH FUNDS. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Bank Stock | .. | .. | .. | .. | .. | .. |
| 3 per Cent. Red. Ann. | .. | .. | 96½ | .. | .. | .. |
| 3 per Cent. Cons. Ann. | 96¼ | 96 ⅝ 6 | 96 ⅝ | 96⅝ | 96⅝ ⅜ | 96⅝ ⅜ |
| New 3 per Cent. Ann. | .. | .. | .. | .. | .. | .. |
| New 3½ per Cent. Ann. | .. | .. | 79½ | 80 | .. | .. |
| Long Ann. (exp. Jan. 5, 1860) | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Jan. 5, 1860) | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Jan. 5, 1860) | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Apr. 5, 1885) | .. | .. | .. | .. | .. | .. |
| India Stock | .. | .. | .. | .. | 220 | .. |
| India Loan Debentures | 99¼ | .. | 99¼ ½ 9 | 98½ ⅜ | 98⅜ | 98⅜ ⅞ |
| India Scrip, Second Issue | .. | .. | .. | .. | .. | .. |
| India Bonds (£1,000) | .. | 16s18s p | 19s p | 15s18s p | .. | 18s p |
| Do. (under £1000) | 19s p | 16s p | 16s p | .. | .. | 33s p |
| Exch. Bills (£1000) Mar. | 35s p | .. | 37s34sp | 34s37sp | 36s p | 33s p |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Exch. Bills (£500) Mar. | 35s38s p | .. | .. | 34s37s p | 37s p | 36s p |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Exch. Bills (Small) Mar. | 37s p | 38s34sp | 34s p | 34s37s p | 34s p | 36s p |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Do. (Advertised) Mar. | .. | .. | .. | .. | .. | .. |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Exch. Bonds, 1858, 3½ per Cent. | .. | .. | .. | .. | .. | .. |
| Exch. Bonds, 1859, 3½ per Cent. | .. | 100½ | .. | .. | 100 | .. |

## Railway Stock.

| RAILWAYS. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Birk. Lan. & Ch. Junc. | .. | .. | .. | .. | .. | .. |
| Bristol and Exeter | 93½ | 93½ | 93½ | .. | .. | .. |
| Caledonian | 85¼ | 84¼ | 84⅜ ⅛ | 84 ¼ | .. | 84⅜ |
| Chester and Holyhead | .. | 48½ | 49½ | .. | 49 | 49 |
| East Anglian | .. | .. | .. | .. | 16½ | 16½ |
| Eastern Counties | 60 ⅜ ½ | 60½ 60 | 60½ ⅜ | 60 ⅜ 60 | 60½ 59 | 60 ⅜ ½ |
| Eastern Union A. Stock. | .. | .. | .. | .. | .. | .. |
| Ditto B. Stock | .. | .. | .. | .. | .. | .. |
| East Lancashire | .. | 93 | .. | 93½ | .. | 93½ 2 |
| Edinburgh and Glasgow | 72 ⅜ | 72½ | .. | .. | .. | 72 |
| Edin. Perth, and Dundee | .. | .. | .. | .. | 27 6⅞ | 27 6⅞ |
| Glasgow & South-Westn. | .. | .. | 96½ | .. | .. | .. |
| Great Northern | 103½ 2⅜ | 102⅜ | 103 | 103 | 102 ⅜ ½ | 103 2⅜ |
| Ditto A. Stock | .. | 89 | .. | .. | 88 7½ | 88 7½ |
| Ditto B. Stock | 133½ | .. | .. | .. | .. | 133 ½ |
| Gt. South & West. (Ire.) | .. | .. | 104 | 104½ | 105 | 104½ ½ |
| Great Western | 57⅜ | 57½ ½ | 57½ ½ 7 | 57½ ½ 7 | 57½ ½ | 57½ 8 |
| Do. Stour Vly. G. Stk. | .. | .. | .. | .. | .. | .. |
| Lancashire & Yorkshire | 95½ | 95½ ½ | 95 | 95 6⅜ | 94 ⅜ ½ | 95 |
| Lon. Brighton & S. Coast | 112⅜ | 112 ⅜ | .. | 112 | 111 ⅜ ½ | 112 |
| London & North-Westrn. | 96½ ⅜ | 95 ⅜ 5 | 95½ 5 | 95¼ 4⅜ | 94 ⅜ ½ | 94½ 5 |
| London & South-Westrn. | 93 ½ ⅜ | 93 ⅜ 3 | 93½ 3 | .. | 92 ½ | 92½ ½ |
| Man. Sheff. & Lincoln. | .. | 38 7½ | .. | 37 ½ | .. | 37½ ⅜ |
| Midland | 100⅜ ⅜ | 100½ ½ | 100 ½ | 100 | 100 99½ | 100 ⅜ |
| Ditto Birm. & Derby | .. | .. | .. | .. | .. | .. |
| Norfolk | .. | .. | .. | .. | .. | .. |
| North British | 58 ⅜ | 58 ⅜ ⅜ | 59 | 58⅞ | 58½ | 58⅞ ⅜ |
| North-Eastern (Brwck.) | 91 ⅜ | 92 1⅞ | 92 | 91¼ | 91¼ ½ | 91¼ ½ |
| Ditto Leeds | 46½ | 46 ⅜ ⅜ | 46½ | 46⅜ 5⅜ | 46 | 46⅜ 6 |
| Ditto York | 76½ | 76 ½ 6 | 76 ⅜ 6 | .. | 76 5⅞ | 76 |
| North London | .. | .. | .. | .. | .. | .. |
| Oxford, Worc. & Wolver. | .. | 32½ 3½ | .. | .. | 33 | 33 2⅜ |
| Scottish Central | .. | .. | .. | .. | .. | .. |
| Scot. N.E. Aberdeen Stk. | .. | .. | .. | .. | .. | .. |
| Do. Scotsh. Mid. Stk. | .. | .. | .. | .. | .. | .. |
| Shropshire Union | .. | .. | .. | .. | .. | 47 6⅜ |
| South Devon | 38½ | 38½ | .. | 38 ⅜ | 38 ½ | 38⅜ ⅜ |
| South-Eastern | .. | 71 ⅜ ½ | 71½ | .. | 70 ⅜ ½ | 70⅜ ⅜ |
| South Wales | 65 ½ | 64 | .. | 71 | 70 69 | 71 69 |
| Vale of Neath | .. | 73 | .. | .. | .. | .. |

# London Gazettes.

## New Members of Parliament.

TUESDAY, *Mar.* 15, 1859.

COUNTY OF NORTHUMBERLAND.—*Northern Division.*—The Right Hon. Algernon George Percy, commonly called Lord Lovaine, re-elected.

COUNTY OF STIRLING.—Peter Blackburn, Esq., re-elected.

## Professional Partnership Dissolved.

TUESDAY, *Mar.* 15, 1859.

KINGDON, THOMAS, & EDWARD ROBINSON, Attorneys-at-Law and Solicitors, Bournemouth, co. Southampton, and 21 Great George-st., Westminster, by mutual consent.

## Bankrupts.

TUESDAY, *Mar.* 15, 1859.

CHINERY, DAVID, African Merchant, 4 Ampton-pl., Gray's-inn-rd. *Com.* Evans: Mar. 25 and April 21, at 1; Basinghall-st. *Off. Ass.* Bell. *Sol.* Riches, 34 Coleman-st. *Pet.* Mar. 12.

CLEASBY, JOHN, Innkeeper, Eccles, Lancashire. Mar. 31 and April 21, at 12; Manchester. *Off. Ass.* Hernaman. *Sols.* Hulton & Brett, Salford. *Pet.* Mar. 7.

CRACKNELL, JOHN, Licensed Victualler, King's Head Public-house, Enfield. *Com.* Goulburn: Mar. 28, at 11; and May 2, at 12; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Hammond, Furnival's-inn. *Pet.* Mar. 12.

FORAN, PETER, Grocer, Birmingham. *Com.* Sanders: Mar. 25 and April 15, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Southall & Nelson, Birmingham. *Pet.* Mar. 5.

KUTTNER, SAMUEL, & ROBERT CLUDLEY WHITE, Commission Agents, Kingston-upon-Hull. *Com.* Ayrton: Mar. 30, and April 20, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Levett & Champney, Kingston-upon-Hull. *Pet.* Mar. 11.

LEVINGSTON, JAMES, Merchant, Liverpool. *Com.* Perry: Mar. 28 and April 19, at 11; Liverpool. *Off. Ass.* Cazenove. *Sol.* Aspinall, 12 Cook-st., Liverpool. *Pet.* Mar. 11.

MARCHANT, ALFRED, Draper, Maidstone. *Com.* Goulburn: Mar. 26, at 12; and May 2, at 11; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Huson, 4 King-st., Cheapside. *Pet.* Mar. 10.

WALKER, THOMAS, Boot & Shoe Maker, York. *Com.* West: Mar. 31, and April 28, at 11; Leeds. *Off. Ass.* Young. *Sols.* Walker, York; or Bond & Barwick, Leeds. *Pet.* Mar. 12.

WOODCOCK, REGINALD, Ironmonger, 96 St. Mary-st., Weymouth. *Com.* Andrews: May 4, at 11; Exeter. *Off. Ass.* Hirtzel. *Sols.* Hare, Weymouth; or Stogdon, Exeter. *Pet.* Mar. 11.

FRIDAY, *Mar.* 18, 1859.

ALLEN, RICHARD BEDFORD, Insurance Broker, Lloyd's Coffee-house, and Hoe-st., Walthamstow. *Com.* Evans: Mar. 29, at 1; and April 26, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Lawrance, Plews, & Boyer, Old Jewry-chambers. *Pet.* Mar. 9.

ASPINWALL, JOHN HUTCHINSON, Merchant, Moulmein, East Indies, now of 5 Argyle-st., lately trading in copartnership with CARL OTTO (Aspinwall, Otto, & Co.), formerly in partnership with GEORGE DAWSON HENRY SCHWABE, CARL OTTO, & EDMUND CARNEGY (Dawson, Otto, & Aspinwall). *Com.* Holroyd: Mar. 29, at 2.30; and April 23, at 1; Basinghall-st. *Off. Ass.* Lee. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Mar. 16.

BAMBRIDGE, MATTHEW, Carpenter, King's Lynn, Norfolk, and Dersingham, Norfolk. *Com.* Fane: Mar. 31 and April 29, at 2; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Chilton & Burton, 7 Chancery-lane; or Coulton & Beloe, King's-Lynn. *Pet.* Mar. 7.

EDWARDS, GEORGE HARMSTON, Tobacconist, Lincoln. *Com.* Ayrton: April 6, and May 4, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Brown & Son, Lincoln. *Pet.* Mar. 17.

GURNEY, THOMAS, & JOHN JACOBS, Tailors, Dover-pl. West, Dover-rd., and Mount-pl., Walworth-rd. (Gurney & Jacobs). *Com.* Fonblanque: Mar. 29, at 1.30; and April 27, at 1; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Mason & Sturt, 7 Gresham-st. *Pet.* Mar. 15.

HARRISON, JOHN JAMES, Perfumer, Maidstone. *Com.* Fonblanque: Mar. 30, at 1.30; and April 25, at 2; Basinghall-st. *Off. Ass.* Graham. *Sols.* Monckton, Guy, & Monckton, 1 Raymond-bldgs.; or Monckton & Son, Maidstone. *Pet.* Mar. 9.

HELLIWELL, THOMAS, Innkeeper, Hipperholme, Halifax. *Com.* Ayrton: April 5, at 11.30; and May 3, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Bennett, Halifax; or Bond & Barwick, Leeds. *Pet.* Mar. 16.

HOWLETT, WILLIAM, Builder, Dovercourt-lodge, Harwich. *Com.* Fane: Mar. 31, at 1.30; April 29, at 2; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Hall, 14 Basinghall-st. *Pet.* Mar. 16.

HUET, JOHN WILLIAM ROWE, Watchmaker, 20 Bedford-st., Plymouth. *Com.* Andrews: Mar. 24 and April 28, at 1; Plymouth. *Off. Ass.* Hirtzel. *Sols.* Gidley, Plymouth; or Stogdon, Exeter. *Pet.* Mar. 15.

HUGHES, THOMAS, Cattle Dealer, Tyddyn-du, Llanbeblig, Carnarvonshire. *Com.* Perry: April 4 & 19, at 12; Liverpool. *Off. Ass.* Morgan. *Sols.* Williams, Carnarvon; or Evans, Son, & Sandys, Commerce-ct., Liverpool. *Pet.* Mar. 15.

LEIBUS, EMIL HENRY, Merchant, 31 Bush-lane. *Com.* Evans: Mar. 29, at 11; and April 28, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Lawrance, Plews, & Boyer, Old Jewry-chambers. *Pet.* Mar. 17.

MURRAY, JOHN, Contractor, New-rd., Rotherhithe, Redman's-row, Mile-end, and Blue Anchor-yard, Limehouse. *Com.* Holroyd: Mar 29, at 12; and May 3, at 1; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Holmer & Robinson, 26 Bridge-st., Southwark. *Pet.* Mar. 15.

SAMPSON, JAMES, Picture Dealer, 10 Park-st., Bristol. *Com.* Hill: April 4 and May 2, at 11; Bristol. *Off. Ass.* Miller. *Sol.* Taddy, Bristol. *Pet.* Mar. 14.

SMITH, CHARLES, Miller, Bulwell, Notts. *Com.* Sanders: Mar. 29 and April 19, at 11; Nottingham. *Off. Ass.* Harris. *Sols.* Brewster & Son, Nottingham. *Pet.* Mar. 8.

TAYLOR, WILLIAM JAMES, Chemist, North Shields. *Com.* Ellison: Mar. 31 and May 5, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sol.* Kidd, 113 Norfolk-st., North Shields. *Pet.* Mar. 15.

WILSON, JOHN, late of Grape-lane, Sandgate, Whitby, and of Glaisedale, Whitby, Farmer, now of Trinity-st., Rotherhithe, Auctioneer. *Com.* Fane: Mar. 31, at 1.30; and April 29, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Moss, 15 Fish-st.-hill, Gracechurch-st. *Pet.* Mar. 15.

YOUNGMAN, THOMAS PAUL, Commission Agent, Nottingham. *Com.* Sanders: Mar. 29 and April 19, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Preston, Nottingham. *Pet.* Mar. 15.

## MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Mar.* 15, 1859.

CHURCHILL, JAMES AGNIS, Veterinary Surgeon, Colchester. Mar. 25, at 1; Basinghall-st (by adj. from Mar. 4.)

DALTON, LEONARD, Stone Merchant, Canal-bridge, Old Kent-rd. April 8, at 12; Basinghall-st.

EARNSHAW, HENRY, Miller, Mytholmroyd, near Halifax. Mar. 25, at 11; Leeds.

FRANCIS, CHARLES JAMES, & HENRY FREER, Wine Merchants, 15 & 17 Gt. St. Helen's (Francis & Freer). Mar. 25, at 12; Basinghall-st. (by adj. from Feb. 22.)

FREEMAN, WILLIAM, Bookseller, 69 Fleet-st. April 7, at 11; Basinghall-st.

FRENCH, DAVID, & ARCHIBALD SANDS, Coal Factors, 25 Coal-exchange, and Chatham (David French & Sands). April 6, at 11.30; Basinghall-st.

PERKINS, JOHN, Ship Owner, Sandwich, Kent. April 8, at 11; Basinghall-st.

PLUMRIDGE, GEORGE, Grocer, 14 Crown-row, Walworth-rd. April 6, at 12.30; Basinghall-st.

SHIPMAN, WILLIAM, Baker, 182 Deansgate, Manchester. Mar. 30, at 12; Manchester.

STONE, FREDERIC JAMES, Builder, 9 Manor-pl., Walworth. April 8, at 1; Basinghall-st.

TURNER, WILLIAM HENRY, Draper, 69, 70 & 89 Bishopsgate-st. Without. Mar. 25, 2.30; Basinghall-st. (by adj. from Feb. 25.)

FRIDAY, *Mar.* 18, 1859.

BYERS, MICHAEL, & THOMAS BYERS, Ship Builders, Monkwearmouth Shore. April 12, at 12; Newcastle-upon-Tyne.

CLAYPOLE, JOHN LILLEYMAN, Merchant, Gresham House, Old Broad-st. April 8, at 11; Basinghall-st.

FEAST, ROBERT, Oil & Italian Warehouseman, 15 & 16 Finsbury-pavement, Little Moorfields. April 8, at 1; Basinghall-st.

FOLLETT, HENRY, Ship Builder, Dartmouth. April 7, at 11; Exeter.

HUNT, ROBERT HOLDSWORTH CAREW, & EDWARD OSBORNE SMITH, Merchants, Old Broad-st. (R. & H. Hunt & Co.) April 8, at 1.30; Basinghall-st.

JUNCKER, PHILIP ANDREW AUGUST, Merchant, Liverpool, and of Winsford, Chester. April 11, at 11; Liverpool.

PARKER, BENJAMIN, Merchant, late of 1 Adelaide-pl., London-bridge, now of Sufferance-wharf, Millwall, also a prisoner in the Queen's Prison, Southwark (Trueman, Parker, & Co.) Mar. 30, at 1.30; Basinghall-st.

ROGERS, HENRY, Milliner, Bradford. April 8, at 11; Basinghall-st.

TOWSE, JOHN BECKWITH, Shipowner, Lawrence Pountney-lane. April 8, at 2; Basinghall-st.

WEST, HENRY, Upholsterer, 14 & 15 Cannon-st., and 8 Brixton-pl., Brixton. April 8, at 2; Basinghall-st.

## CERTIFICATES.

*To be* ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Mar.* 15, 1859.

ALLEN, WILLIAM, Boot & Shoe Maker, Wellingborough, Northamptonshire. April 6, at 2; Basinghall-st.

BARTLETT, THOMAS BARRETT, Tailor, 6 Middle-row, Knightsbridge. April 6, at 1.30; Basinghall-st.

BUTTON, EDWARD, Butcher, Windmill-st., Gravesend. April 7, at 1.30; Basinghall-st.

GIBSON, HENRY, Merchant, 17 Gracechurch-st. April 5, at 1; Basinghall-st.

M'KINSTRY, WILLIAM, Broker, Liverpool. April 5, at 11; Liverpool.

MORGAN, EDWARD, Wholesale Stationer, 103 Cheapside (Wilson, Morgan, & Co.), and until recently trading in copartnership with Henry Nickeson Smith. April 7, at 11; Basinghall-st.

MOUNT, JAMES, Bobbin Manufacturer, Bingley, Yorkshire. April 12, at 11; Leeds.

ROOTS, GEORGE, Stone Merchant, Ospringe, Kent, and of Faversham. April 6, at 12; Basinghall-st.

SMITH, WILLIAM, Fish Merchant, Runham, Norfolk. April 5, at 1.30; Basinghall-st.

FRIDAY, *Mar.* 18, 1859.

ANDREWS, RICHARD, Stationer, Farnham, but now Beer Retailer, of the Lord Nelson. April 9, at 1.30; Basinghall-st.

COLEMAN, CHARLES MEADE, Farmer, Foleshill, Warwickshire. April 21, at 11; Birmingham.

FOLLETT, HENRY, Ship Builder, Dartmouth. April 13, at 11; Exeter.

FORD, HENRY, Draper, Beaumont-sq., Mile-end. April 8, at 11; Basinghall-st.

OPPENHEIM, CHARLES FOX, Master Mariner, 6 John-st., Minories. April 11, at 12; Basinghall-st.

SMITH, JOHN PETER GEORGE, Banker, Liverpool. April 6, at 1; Liverpool.

SMITH, HENRY, & HENRY MILLS, Newspaper Proprietors, Chester. April 11, at 11; Liverpool.

STIMSON, JOHN, Commission Agent, Manchester (John Symons & Co.) April 14, at 12; Manchester.

TETTERINGTON, WILLIAM, Wine & Spirit Dealer, Liverpool. April 8, at 12; Liverpool.

WARNER, JOSEPH SIMS, Merchant, Sheffield. April 9, at 10; Sheffield.

WILSON, MARGARET, Milliner, Halifax. April 12, at 11.30; Leeds.

*To be* DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Mar.* 15, 1859.

DAVIES, JOHN, Builder, 172 Tachbrooke-st. Mar. 11, 3rd class.

LEVY, JOSEPH, General Dealer, 29 Jewry-st., Aldgate. Mar. 2, 3rd class.

MILES, JAMES ARTHUR, Ironmonger, 40 Watling-st. Mar. 2, 3rd class.

MURRAY, JOHN, Ironmonger, Sheerness. Mar. 11, 3rd class.

VANDERSLUIS, SAMUEL, Tailor, 133 Lower Marsh, Lambeth, and Westminster, Lambeth. Mar. 3, 2nd class, after a suspension of 12 months.

WINTER, HENRY LOUIS, Timber Merchant, 21 New North-st., Finsbury. Mar. 11, 2nd class.

FRIDAY, *Mar.* 18, 1859.

BINGHAM, WILLIAM, Auctioneer, Great Grimsby. Mar. 9, 3rd class.

CULLINGFORD, SAMUEL, Draper, Woodbridge, Suffolk. Mar. 12, 2nd class.

MARCHANT, WILLIAM, Corn Merchant, Rendezvous-st., Folkestone. Mar. 11, 2nd class.

## Assignments for Benefit of Creditors

TUESDAY, *Mar.* 15, 1859.

ELAND, JOHN, Timber Merchant, Norton, Yorkshire. Mar. 9. *Trustee,* H. Sanderson, Timber Merchant, York; W. Taylor, Draper, New Malton. Creditors to execute before May 9. *Sol.* Jagger, New Malton.

MARCHANT, HEZEKIAH, Draper, Ipswich. Mar. 2. *Trustees,* C. Ashford, Grocer, Ipswich; C. Evans, Warehouseman, Cannon-st. West; T. W. Newman, Warehouseman, 8 St. Paul's-churchyard. *Sols.* Marsden, 59 Friday-st., Cheapside; or Notcutt, Ipswich.

TAYLOR, HENRY BUTLER, Linen Draper, Clapham. Feb. 17. *Trustee,* G. B. Greatorex, Aldermanbury, and T. W. Elstob, Wood-st., Warehousemen. *Sol.* Bradbury, Weavers'-hall, 22 Basinghall-st.

THOMAS, HENRY, Builder, Shrewsbury. Jan. 29. *Trustees,* J. Wilson, Timber Merchant, and J. Bowyer, Painter, both of Shrewsbury. Creditors to execute on or before April 29. *Sol.* Sandford, Shrewsbury.

TYRRELL, DANIEL, Carriage Builder, Rotherham, Yorkshire. Feb. 28. *Trustees,* J. Harris, Ironfounder, Rotherham; H. Smith, Maltster, Rotherham. *Sol.* Hoyle, Rotherham.

WAITES, BENJAMIN, Stone Mason, Theatre-st., Ulverston. Mar. 5. *Trustees,* M. Brocklebank, Timber Merchant, Church-walk, Ulverston; & Waites, Stone Mason, Brock-st., Lancaster. *Sol.* Park, Ulverston.

WARD, WILLIAM, Joiner, 71 Regent-st., Leylands, Leeds. Feb. 24. *Trustees,* W. M. Taylor, Tailor, Leeds; J. Timms, Draper, Leeds. *Sol.* Granger, 9 Bank-st., Leeds.

YULE, GEORGE, & WILLIAM HUNTER YULE, Provision Merchants, Tower-hill, London. Mar. 5. *Trustees,* T. Bell, sen., Provision Merchant, Trinity-sq., Tower-hill; J. A. Durrant, Wine Merchant, 16 John-st., Minories; J. J. Vonder Heyde, Tobacco Manufacturer, 80 Lower Thames-st. Creditors to execute before May 5. *Sol.* Thomson, 60 Cornhill.

FRIDAY, *Mar.* 18, 1859.

ALDAM, THOMAS STOREY, Miller, Gainsborough. Feb. 21. *Trustees,* T. Ranby, Farmer, Gainsborough; T. Lidgard, Farmer, Bishop Norton; and others. *Sol.* Plaskitt, Gainsborough.

AYRTON, HENRY, Draper, Waterside, Colne, Lancashire. Feb. 26. *Trustees,* J. Geddes, Merchant, Manchester; L. Roberts, Merchant, Manchester; H. Ashworth, Yeoman, Tonbridge, near Colne. *Sol.* Atkinson, Manchester.

CARTER, JOHN, & THOMAS WARNER, Manufacturers & Agents, New-inn. Hall-st., Oxford, and at Botley, Berks. Mar. 10. *Trustees,* C. J. Andrews, Agricultural Implement Manufacturer, Reading; J. B. Brown, Ironmonger, Corn Market-st., Oxford. *Sols.* Hurford & Taylor, 20 New-inn, Hall-st., Oxford.

DAVISON, WILLIAM, Shoemaker, Blyth, Northumberland. Mar. 12. *Trustees,* J. Jobling, Spirit Merchant, Morpeth, Northumberland; W. Davison. *Sol.* Woodman, Morpeth.

FIELDER, THOMAS, Druggist, Warminster. Mar. 15. *Trustees,* J. Read, Gent., Frome; W. Cockrell, Gent., Warminster. Creditors to execute before May 15. *Sol.* Goodman, Warminster.

GORDON, ANDREW, Joiner, North Sunderland Sea Houses. Mar. 9. *Trustees,* J. Horsley, Grocer, Alnwick; J. P. Turnbull, Merchant, Alnwick; and others. *Sol.* Forster, Alnwick.

GRIMSHAW, JOHN, Cloth Manufacturer, Idle, Yorkshire. Mar. 2. *Trustees,* J. Atkinson, Wool Merchant, Bradford; J. Critchley, Card Manufacturer, Dewsbury; W. Knowles, Machine Maker, Gomersal. *Sol.* Watson, Bradford.

HENDRY, WILLIAM THOMAS, Engineers' Furnisher, 38 Upper Thames-st. Mar. 2. *Trustee,* J. Newman, Wholesale Stationer, 48 Watling-st. *Sols.* Mason & Sturt, 7 Gresham-st.

LAITY, JAMES CONGDON, Draper, George-st., Plymouth. Feb. 5. *Trustee,* A. Kitt, Gent., East Stonehouse, Devon. *Sol.* Shephard, 9 Size-lane.

LIMBERT, BRYANS THOMAS, Draper, High-st., Chatham. Feb. 22. *Trustees,* J. Barnicot, Friday-st., and J. Howell, Warehouseman, St. Paul's-churchyard. *Sol.* Heather, Paternoster-row.

MOORE, GEORGE, Shopkeeper, Newport Pagnel, Buckinghamshire. Mar. 7. *Trustees,* J. Apthorpe, Grocer, Bedford; J. Dunckley, Grocer, H. Seabrooke, Grocer, both of Bedford. Creditors to execute on or before June 7. *Sol.* Eagles, jun., Bedford.

ORCHARD, FREDERICK GEORGE, & GEORGE FREDERICK CUNINGTON, Tent & Tarpaulin Makers, 107 Brick-lane, St. Luke's. Mar. 4. *Trustees,* A. Hill, Merchant, Milk-st., Cheapside; J. L. Anderson, Linen Merchant, Cannon-st. West. *Sol.* Cumming, 27 King-st., Cheapside.

TABBOTTON, EDWARD, Grocer, Kirkgate, Leeds. Feb. 22. *Trustee,* T. Weatherley, Accountant, Leeds. Creditors to execute before May 22. *Sol.* Booth, Leeds.

WESTON, SAMUEL, & JAMES HOLDEN, Drapers, Sheffield. Feb. 23. *Trustees,* T. Tapling, Warehouseman, 1 Gresham-st. West; J. Howell, Warehouseman, St. Paul's-churchyard; W. Atkinson, Gent., Renwood-bank, Sheffield; C. Hawksworth, Silversmith, Sheffield. *Sols.* Langley & Gibbon, 32 Great James-st.

WILLIAMS, HENRY, Pastry Cook, Newport, Isle of Wight. Feb. 26. *Trustees,* W. Ellis, Ironmonger, Newport, Isle of Wight; J. Harvey, Grocer, Newport, Isle of Wight. *Sols.* Hearn & Mew, Newport, Isle of Wight.

## Creditors under Estates in Chancery.

TUESDAY, *Mar.* 15, 1859.

HICKS, BERKLEY, Farmer, King's Farm, Wargrave, Berkshire (who died in or about the month of Nov. 1858). *Re* Hicks' estate, Langton *v.* Hicks, M. R. *Last Day for Proof,* April 11.

LEE, FIDIA, Great Yarmouth, Norfolk (who died in or about the month of Feb. 1858). *Re* Ling's estate, Ring *v.* Cory, V. C. Stuart. *Last Day for Proof*, April 18.

MOWBRAY, CHARLOTTE, Widow, Louth, Lincolnshire (who died in or about the month of Nov. last). *Re* Mowbray's estate, Mimmack *v.* Smith and Wife, V. C. Wood. *Last Day for Proof* Mar. 16.

POLLEN, ELIZABETH PRIMROSE, Lingfield-rd., Wimbledon-common, Surrey (who died in or about the month of May, 1858). Loch and another *v.* Venables, M. R. *Last Day for Proof*, April 11.

PYCE, CHARLES BENJAMIN, Esq., Oak Tree-cottage, Burton, Christchurch, Hants (who died in or about the month of Jan. 1859). Jones *v.* Pike, V. C. Wood. *Last Day for Proof*, April 13.

SNOWDON, FREDERICK, Glass Bottle Manufacturer, Diamond Hall, Bishopwearmouth (who died in or about the month of Dec. 1857). Snowdon *v.* Wright (since deceased), and Snowdon & Snowdon *v.* Wright, V. C. Stuart. *Last Day for Proof*, April 27.

WHICHELO, RICHARD MAYLE, 8 Cornwall-crescent, Camden Town (who died in June, 1858). *Re* Whichelo's estate, Whichelo *v.* Whichelo (Widow) and others, V. C. Stuart. *Last Day for Proof*, April 18.

FRIDAY, *Mar.* 18, 1859.

ARNTAGE, THOMAS, Innkeeper, Mirfield, Yorkshire (who died in or about the month of Jan. 1857). Wood & others *v.* Scholefield & others, V. C. Stuart. *Last Day for Proof*, April 27.

BAILEY, ARTHUR, Esq., formerly of Cumberland-pl., Regent's-pk., late of Harefield-house, Hants (who died on or about July 8, 1858). Brunfield & others *v.* Paulet & others, M. R. *Last Day for Proof*, April 13.

FLOCKTON, JAMES MANGNALL, Gent., Cranford, Middlesex (who died in or about the month of Aug. 1858). Hollingsworth *v.* Flockton, M. R. *Last Day for Proof*, April 30.

HAIGH, JOHN, Stone Merchant, Godley, Halifax (who died in or about the month of Mar., 1858). Smith & Wife *v.* Parkinson & Haigh, V. C. Stuart. *Last Day for Proof*, April 30.

KERR, WILLIAM HENRY, Esq., 36 Alfred-pl. West, Brompton (who died in or about the month of August, 1858). Gwilt *v.* Kerr, V. C. Kindersley. *Last Day for Proof*, April 15.

MACNAUGHT, ARCHIBALD (who died on Dec. 8, 1857). In re Macnaught's Estate, Macnaught *v.* Thomas, V. C. Stuart. *Last Day for Proof*, April 18.

PETRON, HENRY, Secretary to the Russian Consulate-General, Great Winchester-st., and 224 Euston-rd. (who died in or about the month of Oct., 1858). Knapp & Oriel *v.* Peyrons, M. R. *Last Day for Proof*, April 30.

## Windings-up of Joint Stock Companies.

TUESDAY, *Mar.* 15, 1859.

UNLIMITED, IN CHANCERY.

NATIONAL ALLIANCE ASSURANCE COMPANY.—V. C. Wood will, on Mar. 25, make an Order absolute for its dissolution and winding up.

NEW ENGINE COAL MINING COMPANY.—Dissolved, Mar. 5.

PARAGON & SPERO COAL MINING COMPANY.—V. C. Wood will, on Mar. 25, at 12, appoint an Official Manager.

FRIDAY, *Mar.* 18, 1859.

HOME COUNTIES AND METROPOLITAN PERMANENT BENEFIT BUILDING SOCIETY, commonly called HOME COUNTIES AND METROPOLITAN FREEHOLD LAND SOCIETY.—V. C. Wood will, on April 14, at 2, at his Chambers, settle the list of Contributories.

KENT BENEFIT BUILDING SOCIETY, also called the KENT FREEHOLD LAND SOCIETY.—V. C. Kindersley will, on Mar. 29, at 12, at his Chambers, appoint an Official Manager.

MEXICAN AND SOUTH AMERICAN COMPANY.—The Master of the Rolls, on Feb. 24, at his Chambers, ordered that a Call on all the Contributories be made, payable on or before Mar. 21, to Robert Palmer Harding, 5 Serle-st., Lincoln's-inn, of £5 per share.

NEW ENGINE COAL MINING COMPANY.—V. C. Wood, Feb. 25, will make an absolute order for dissolution.

## Scotch Sequestrations.

TUESDAY, *Mar.* 15, 1859.

DODDS, DAVID, Mason, Kelso. Mar. 24, at 11; Smith & Robson's Chambers, Kelso. *Sec.* Mar. 9.

TELFER, ALEXANDER BELL, Merchant, Ayr. Mar. 25, at 1; Star-hotel, Ayr. *Sec.* Mar. 12.

FRIDAY, *Mar.* 18, 1859.

HAY, HUGH, Farmer, Robbsland, near Ayr. Mar. 23, at 12; Star-hotel, Ayr. *Sec.* Mar. 14.

KERR, ARCHIBALD, Writer, Glasgow. Mar. 25, at 12; Faculty-hall, St. George's-pl., Glasgow. *Sec.* Mar. 16.

MACKAY, ROBERT, Hope-st., Lanark. Mar. 25, at 2; Clydesdale-hotel, Lanark. *Sec.* Mar. 16.

M'FALANE, ANDREW, Joiner, Glasgow, and presently Timber Merchant, Bishop-st., Anderston, Glasgow (Brown & Co.) Mar. 22, at 12; M'Clean's Clarence-hotel, George-sq., Glasgow. *Sec.* Mar. 12.

M'KITCHIE, JAMES, Contractor, North Queensferry. Mar. 24, at 12; Town Clerk's Office, Inverkeithing. *Sec.* Mar. 12.

SHARP, ALEXANDER, Builder, Fouliden. Mar. 25, at 11; Black Bull-hotel, Dunse. *Sec.* Mar. 12.

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# THE SOLICITORS' JOURNAL.

*LONDON, MARCH* 26, 1859.

## CURRENT TOPICS.

Little has happened during the past week that requires comment at our hands. The House of Commons has been almost exclusively occupied with the great debate on the Reform Bill, which may possibly run over into next week. It is generally understood that the idea of a dissolution, if ever entertained, has been abandoned, and that the session is to be allowed to fulfil its natural course. We stated as much some numbers back, on authority that we knew to be reliable, though at that time a contrary opinion was prevalent. Politics apart, few questions can be more interesting to solicitors, especially to those engaged in private Bill business, than the inquiry which has been addressed to us, "Will Ministers dissolve?" Those of our readers who have followed our passing observations on this topic will find, we believe, that we have been accurate in our information.

In the Lords the Trading Companies Winding-up Bill (an extraordinary misnomer, as we have already pointed out), has been advanced another stage. The Debtor and Creditor Bill has reached the Commons, but the event of the week has hitherto prevented its second reading. Mr. Bouverie has given notice that in the motion for the committal of the Bankruptcy and Insolvency Bill, which stands for Wednesday next, he will move that it be referred to a select committee. This amendment will probably be negatived, for the House is resolved that the subject shall not be trifled with, and Mr. Bouverie has not sufficient weight to produce any real change of feeling.

The Government seem resolved to do their best to perpetuate, and even to increase, the present inconvenience and loss occasioned by the dispersion of courts and offices. The Council of the Incorporated Law Society are still in correspondence with Lord John Manners on the subject, and are doing excellent service by pointing out, in very clear and unanswerable language, the necessity for providing new courts in a central locality, and the financial facilities that are afforded by the Suitors' Profit Fund. Unfortunately the matter is not understood in the House of Commons, and a powerful interest is at work against the scheme so generally approved by the legal profession. We have little hope from the Board of Works under any Chief Commissioner, and the only prospect of a satisfactory termination to the question lies in the independent exertions of the press, and in persevering agitation by the bodies representing the law.

The Poole case has been decided by the Archbishop's assessor entirely on the facts, and the confirmation of the Bishop of London's sentence leaves no room for any controversy on points of law. In one respect only did Dr. Lushington enter into the legislation bearing on the subject, and that incidentally. He threw out an opinion that a bishop is justified in withdrawing a curate's license on any ground that may seem sufficient to the episcopal mind; such, for instance, as unpopularity in the district of his ministrations, or being otherwise than suited for a particular locality. This is an immense power to be wielded by a practically irresponsible man, but it seems to have been clearly intended by Parliament, and it must always be exercised subject to the conditions of affording a full hearing to the curate, and of a conformity with the requirements of substantial justice.

We insert in another column a letter from Mr. John Turner to a provincial paper, complaining of the unwarrantable license assumed by the common-law bar in abusing attorneys and solicitors. We heartily join in the condemnation of this unworthy practice, which is, we fear, on the increase at the present time. Nothing can be in worse taste—nothing more opposite to the conduct of a gentleman—than to make a groundless attack on any one who is precluded from reply. The opportunity for such an attack can be tempting only to bad dispositions and small minds. The leaders of the bar—above all, the judicial bench—should set their faces steadily against such a misuse of forensic liberty of speech.

## BANKRUPTCY LAW REFORM.

### VI.

The application of the principles which have been considered in our observations upon the constitution of the Court, would have the effect of simplifying the practice, and consequently bring about a further reduction in the costs of administration. As we have before remarked, solicitors' bills form a very considerable portion of these expenses, but this arises not from overpayment for work done, but from the frequent attendance upon officials, rendered necessary by the present system; the numerous meetings to be advertised and attended, and other matters in which the solicitors' services are called in, and, under the existing practice, without any real necessity for them. It is very far from our wish to join in advocating any curtailment of the legitimate profits of the profession to which we belong, but we have no doubt the main body of solicitors will agree with us in promoting such changes as are necessary for the interests of their clients, knowing that such interests are identical with their own. Whilst admitting, however, that the profession are willing to forego any unnecessary intermeddling in matters connected with the administration of bankrupts' estates, which are not within their province, we must claim for them proper protection from interference in the discharge of professional duties by unprofessional persons, whether they are assignees, accountants, agents, or messengers; and we feel sure that this will be to the advantage of clients, as greater complications and more inconvenience and litigation eventually arise, both in bankruptcy and other matters, by permitting unprofessional men to endeavour to discharge professional duties, than by the other error to which we have alluded, of allowing professional men to attend to matters in which it is not within the department of the solicitor to interfere. It has been proposed that an official salaried solicitor should be attached to such

court; but in this we cannot concur, as we have a great deal too much officialism already. It may, however, be worth while to consider, with a view to reduce the burden of the expenses in small estates, whether the charges of the solicitors to the assignees for ordinary business might not be regulated by a per-centage scale; and if no litigation between the assignees and third parties be allowed, without the sanction of the Court, we think all reasonable complaints as to solicitors' bills will be at an end. It must, however, be remembered that, from the complicated relations between creditors and their debtors (and particularly when the latter are not in flourishing circumstances), questions of considerable nicety will constantly arise, which must be settled by judicial investigation in the usual way, and at the expense of the bankrupt's estate when the assignees fail.

With a view to reduce the number of sittings, which is at present a fruitful source of expense, both the Bills contain provisions rendering meetings in court for proving debts, auditing accounts, and declaring dividends, unnecessary; and Lord John Russell's Bill further provides that the sitting for the bankrupt's last examination and application for certificate may be held at the same time; and we apprehend no objection can be made to these amendments. Except in cases of disputed proofs, there is no necessity to trouble the Court; the creditors, or inspectors chosen by them, may audit the assignees' accounts, subject to the opinion of the Court, when the necessity for taking it arises, and nothing can be more simple and easy than for the assignee to declare a dividend, if he has a correct list of the creditors, with the amount of their debts before him. There are other costs to which individual creditors, and others having business in the court are subject, which are not paid out of the bankrupt's estate, and of which no authentic return can be obtained; and we have no doubt that a considerable reduction of these expenses would result from the further localisation provided by Lord John Russell's Bill, and the adoption of the clauses regulating the proof of debts, which are contained in both Bills. It has been recently remarked by a learned Commissioner, that no reduction of expense will be obtained by the passing of Lord John Russell's Bill, but we think this impression must have been formed without carefully examining the measure, as the saving of expense is one of the main objects of its promoters, and the Bill appears to us to bear testimony, in almost every part of it, to the pains which have been taken to accomplish this object, and we have no hesitation in stating that if it be allowed to pass in its present shape, the average costs of administering bankrupts' estates under it will not amount to 15 per cent. upon the assets.

## The Courts, Appointments, Vacancies, &c.

### COURT OF CHANCERY.

(Before Vice-Chancellor Sir R. T. KINDERSLEY.)

*In re Mayhew.—Mar.* 18.

This petition was presented for the delivering up of a marriage settlement under these circumstances:—It appeared that the deed in question was executed on the marriage of Mr. and Mrs. Elkins, and Mr. Bromilow and the petitioner were trustees. In 1849, Mr. Bromilow being dead, Mr. Elkins applied to the petitioner, Mr. Fenton, for a loan of the deed that Mr. Mayhew, his solicitor, might prepare a deed appointing new trustees. The deed being in the hands of Messrs. Bower, Mr. Bromilow's solicitors, they were authorised by the petitioner to hand it over, and it was handed over, to Mr. Mayhew. The appointment was never carried out, but upon the petitioner applying for a return of the deed for purposes connected with the trust, Mr. Mayhew refused to return it unless his bill of costs was paid; but his claim was now, at the bar, confined to costs incurred in endeavouring to carry out the appointment. Under these circumstances the petitioner asked that the deed might be delivered up, and that Mr. Mayhew might pay the costs.

The VICE-CHANCELLOR said, that up to the point of obtaining the deed for the purpose of carrying out the appointment Mr. Mayhew's conduct appeared to have been most proper, but since that time perfectly unjustifiable. Mr. Elkins appeared to have been his articled clerk, and part of the costs originally claimed were for some matters between them, probably referring to that connexion. That portion was discreetly given up at the bar. Mrs. Elkins and her children were not present, and in their absence it could not be decided that there was a charge on the fund. If Mr. Elkins were living, and applied, the case might be different, but as it stood Mr. Mayhew must deliver up the deed in ten days, and pay the costs of the petition.

### ARCHBISHOP OF CANTERBURY'S COURT OF APPEAL.

*The Rev. Alfred Poole* v. *The Bishop of London.*

The Court assembled at eleven o'clock on Wednesday morning, at Lambeth Palace, for the purpose of delivering judgment in this case. The archbishop presided in the Old Guard Chamber, assisted by Dr. Lushington as assessor. It will be remembered that on Friday, the 18th of February, pursuant to a writ of *mandamus* issued by the Court of Queen's Bench, the archbishop held a Court at Lambeth Palace, under the provisions of the 1 & 2 Vict. c. 106, to hear the appeal of the Rev. Alfred Poole, against the sentence of the Bishop of London, revoking his license as curate of St. Barnabas, Pimlico, a chapelry in the district of St. Paul's, Knightsbridge. It was represented to the Bishop of London that Mr. Poole had been in the habit of admitting members of his congregation to the confessional; that he had encouraged amongst them the practice of auricular confession; and that to some of the females he had put indelicate and improper questions. The Bishop of London revoked his license, and Mr. Poole having instituted an appeal to the archbishop, his Grace confirmed the decision. Mr. Poole contending that his appeal had not been properly heard by the archbishop, made an application to the Court of Queen's Bench, the learned judges of which declared that Mr. Poole had not been properly heard in appeal, and issued a *mandamus* to the archbishop to re-hear the case. The grounds of Mr. Poole's appeal were briefly these:—That the appellant (Mr. Poole) was never heard before the Court below (the Bishop of London) upon the charges upon the supposed proof of which his license was revoked; that he was condemned on charges which were not within the bishop's citation; and there was also the technical ground that the citation itself had not been served upon him, according to the provisions of the statute; that he was condemned partly on alleged oral admissions, of which there was no record, which were denied by the accused party, and which being obtained by the bishop, he thereby became the accuser, and subsequently the witness and the judge; that Mr. Poole had been condemned upon the evidence of certain women, whom he was prepared to show were infamous in their character, and utterly unworthy of credit in any court of justice; that the appellant (Mr. Poole) had been condemned partly on evidence taken behind his back, without his consent, by some legal person employed by the Bishop of London; and, lastly, that the appellant had expressed himself at the time willing and ready to obey the godly admonitions of his ordinary, and that no notice had been taken of such expression.

The case was fully argued before the archbishop and his assessor on the 18th and 19th of February.

Dr. LUSHINGTON now proceeded to deliver his report as assessor. He said, that the question for his Grace to determine was, whether the revocation by the Bishop of London of the license granted to Mr. Poole as stipendiary curate was conformable to the principles of justice and the rules of law. Reference had been made to four sections of the 1 & 2 Vict. c. 106. The 98th section was manifestly the most important. "The bishop shall have power, after having given to the curate sufficient opportunity of showing reason to the contrary, to revoke summarily and without further process any license granted to any curate, and to remove such curate for any cause which shall appear to such bishop to be good and reasonable, subject to an appeal to the archbishop, who shall confirm or annul such revocation as to him shall appear just and proper." The statute is wholly silent as to the mode in which such reason is to be shown, and equally so as to what is meant by the term reason; the only construction he (Dr. Lushington) could put upon it was, such opportunity of defence as common justice would require. As to the cause of removal, this section invested the bishop with the widest possible discretion. He might remove not only for an act cognisable under the Clergy Discipline

Statute, but also for a cause which would not constitute an ecclesiastical offence so cognisable. As, for instance, if the curate and his incumbent did not agree, and the bishop deemed such state of things prejudicial to the spiritual interests of the parish, though no ecclesiastical offence was imputable to the curate. Many more instances might be suggested in which the bishop, under this statute, might be justified in the exercise of the authority committed to him. The learned doctor then proceeded to review the whole of the proceedings between Mr. Poole and the bishop, at the conclusion of which

The ARCHBISHOP of CANTERBURY pronounced judgment in the following terms:—

"With the able assistance of my learned assessor, I have given the merits and circumstances of this appeal my most serious and careful consideration.

"I am of opinion that the proved and admitted allegations afford in the language of the statute good and reasonable cause for the revocation of this license, and that the Lord Bishop of London has exercised a sound discretion in revoking the same.

"And I am further of opinion that the course pursued by the appellant is not in accordance with the doctrines of the Church of England, but most dangerous, and likely to produce most serious mischief to the cause of morality and religion."

The formal document dismissing the appeal was then read.

## COURT OF PROBATE AND DIVORCE.

(Before the JUDGE-ORDINARY.)

*Re Arthur Talbot, deceased.—Mar.* 23.

The deceased was a clerk in the office of a railway company in London, at a salary of £200 a-year. He was a bachelor, and intestate. One afternoon, in 1848, he left his lodgings with the avowed purpose of attending a Chartist meeting, which was to be held in Clerkenwell, at 8 o'clock on that evening. Since that day he has never been seen or heard of. Advertisements were inserted in the *Times*, and inquiries were made in Canada and Australia, where he had relations and friends, but they were attended with no result. No reason could be assigned for his disappearance, as he was not in difficulties, and was on good terms with his family.

Dr. *Wambey* now moved, upon affidavits proving the above facts, that administration should be issued to one of the next of kin.

The Court granted the application.

*Swinfen* v. *Swinfen.*

This was a cause of proving in solemn form the will of the late Samuel Swinfen, propounded by the executrix, and opposed by the heir-at-law. It was commenced in the old Prerogative Court, and stood over to abide by the result of various proceedings in other tribunals. The ultimate effect of those proceedings was, as is well known, to establish the validity of the will; no opposition was offered to the present application to his Lordship to pronounce for the will; but a question was raised as to the costs of the proceedings in the Prerogative and in the Probate Courts, the executrix contending, that the heir-at-law ought to pay his own costs; and the heir-at-law contending that, under the circumstances of the case, the costs ought to be allowed out of the estate.

His LORDSHIP took time to consider his decision.

## MIDDLESEX SESSIONS.—WESTMINSTER, *Mar.* 21.

Mr. PASHLEY, Q.C., the Assistant-Judge, opened the sessions this morning, and, in his charge to the grand jury, adverted to the death of Mr. Francis Smedley, the High Bailiff of Westminster, which event, he said, would produce a change of some importance in the mode of summoning grand juries and traverse juries at these sessions. Since 1844, under the provisions of an Act of Parliament then passed, the juries were summoned by the High Bailiff, and the duty had fallen exclusively upon gentlemen of the liberty and city of Westminster, while the business brought before them related to the whole of the county of Middlesex. Thus, Westminster jurors, from a population of about 25,000, had had to deal with one-half of the criminal business arising out of a population of nearly 2,000,000 in the whole county of Middlesex. The absurdity and injustice of such a distribution of the labours of the jurors was manifest; it was just as if the jurors of the city of Manchester or Exeter were called upon to try one-half the offences committed in the counties of Lancaster or Devon. The death of the late High Bailiff would put an end to this state of things, and establish a very different one. The juries would now be taken from the county generally, including Westminster, which would greatly relieve Westminster jurors from the liability of being so frequently summoned. There was another anomaly that presented itself under the provisions of the same loosely-worded and ill-defined Act of Parliament. The Westminster gentlemen were exempt from serving as jurors at Clerkenwell, where half the criminal business of the county was disposed of, and the sessions held here must be by adjournment from some other part of the county, which afforded a striking example of the inconvenience, injustice, and inconsistency arising from ill-considered legislation; but, so far, the hardship which had pressed upon Westminster jurors, and of which they had so frequently complained, was removed.

These remarks were received by the grand jury with evident satisfaction.

### COSTS OF PROSECUTIONS.

Mr. *Ribton*, in applying for the costs in a prosecution, said, the rule in this court was, he understood, that the costs of cases were allowed; but it seemed there was somebody "below"—that was, in the office—some Rhadamanthus or Minos, who had a discretionary power over the order of the Court, and allowed or refused the costs as he pleased.

The ASSISTANT-JUDGE said, the Court had ordered the costs of prosecution to be allowed, subject to an inquiry by the officer as to the prosecution being bonâ fide conducted by an attorney for a client, not by some persons who raked up a case for the mere sake of the costs to be allowed by the Court. He was informed, and, indeed, knew, that several frauds had been committed in this way, which would form the subject of inquiry with a view to an indictment, and it was a very wise and proper discretion which the officer had exercised, and by which he had defeated many of these attempts. If Mr. Ribton's brief was endorsed with the name of a respectable attorney, the costs would be allowed of course; if not, they would be refused.

Mr. *Ribton* said, he was regularly instructed by an attorney, and the rule, if enforced as his Lordship had laid it down, would no doubt have a salutary effect, and would be a boon to the profession.

Mr. *Cooper* remarked, the subject of the scale of costs of criminal prosecutions was now seriously under the consideration of the whole country. Throughout the length and breadth of the land, particularly in widely extended counties—such as Yorkshire—the administration of public justice would be completely defeated, unless an alteration were speedily made; and that was the universal opinion.

## HOME CIRCUIT.—MAIDSTONE.

(Before Mr. Baron MARTIN.)

*Reg.* v. *Prentice.—Mar.* 18.

Frederick Prentice was indicted for the murder of a young girl, named Emma Coppins, at Queenborough.

The Deputy Clerk of Assize, having read the indictment to the prisoner, which charged him with having of his malice aforethought killed and murdered Emma Coppins, he asked him in the usual form whether he was guilty or not guilty?

The prisoner, in a calm, firm voice, replied, "I am guilty."

Mr. Baron MARTIN, addressing the prisoner, said, "Do you understand that you are charged with the crime of murder, with malice prepense, and that if you plead guilty, or are convicted of that offence, you will certainly be executed? So consider well what you are about.

*Prisoner.*—I am guilty, my Lord.

Mr. Baron MARTIN.—Do you wish for further time to consider what you will do? Remember, it is a very serious matter.

*Prisoner.*—I cannot speak against my conscience.

Mr. Baron MARTIN.—You must understand that by pleading not guilty you merely say that you desire to have the crime proved against you, and you do not speak at all against your conscience in taking that course. With this observation I again ask, whether you wish to have further time for consideration, or do you persist in pleading guilty?

*Prisoner.*—I cannot plead otherwise.

His Lordship then ordered the plea of guilty to be recorded, and the prisoner was asked in the usual form whether he had anything to say why sentence of death should not be passed upon him.

The prisoner made no reply.

Mr. Baron Martin then put on the black cap and passed sentence of death in the usual form.

The prisoner, who had not betrayed the slightest emotion at any portion of the proceedings, was then removed from the bar.

LEWES.

(Before Mr. Baron MARTIN.)

*Mercer* v. *King and Others, Executors.—Mar.* 22.

This was an action to recover damages for alleged negligence on the part of an attorney.

The plaintiff in this action is a medical gentleman, and it appeared that in the year 1854 he purchased a medical practice at Wadhurst, in this county, from a gentleman named Irving, for which he paid £150; and Mr. Irving, at the completion of the transaction, entered into a penal bond in the sum of £300, undertaking to forfeit that sum if he should practise within one mile of Wadhurst Church, "as the crow flies," after having disposed of his practice to the plaintiff. Some time afterwards the plaintiff ascertained that Mr. Irving had attended a family named Carr, who, it appeared, resided within the prescribed distance; and he thereupon commenced an action against him to recover the amount of the bond. The cause stood for trial at the summer assizes for this county in 1857, and Mr. King, one of the defendants who has since died, the present action being brought against his executors, acted as the attorney for Mr. Mercer. When the cause came on for trial, a witness named Payte, a surveyor, failed to prove the prescribed distance from Wadhurst Church; and the plaintiff was consequently non-suited, and had to pay £52 17*s.* costs. A second action was subsequently brought against Mr. Irving, when the necessary evidence was supplied, and the plaintiff obtained a verdict, and has since received the whole of the sums for which the bond was given—namely, £300. The present action was brought by the plaintiff to recover from the executors of the deceased Mr. King the money he had been compelled to pay as costs under the non-suit. There was also a cross action, which was set down to be tried by a special jury, by which the executors sought to recover from Mr. Mercer the costs of the original action, in which he was defeated through the negligence, as he alleged, of Mr. King.

The case now set up on the part of the plaintiff was, that Mr. King was perfectly aware of the great importance of proving that the spot where the attendance was given was within the prescribed distance, and that he expressly undertook to provide a competent person to measure the ground, and that he employed Mr. Payte, who had been a surveyor of the highways, to do so on the 16th of July, five days before the assizes were to be held. It appeared that Payte did set out for that purpose; but on arriving at Wadhurst he went to the Rectory, and looked at the tithe map, and took a tracing from it, and then adjourned to a public-house, where he got drunk, and left without making any measurement at all. It was alleged also that Payte was a man of notoriously intemperate habits, and that Mr. King ought to have inquired of him whether he had made the measurement before the trial was allowed to proceed; and it was contended that it was through the negligence of his attorney in these respects that the plaintiff had been compelled to pay the costs of the original action.

In cross-examination it appeared that Payte had been employed as a surveyor in the neighbourhood for a great many years, and that he was always looked upon as a man of skill in his profession, and that many of the principal solicitors and other gentlemen of the county had been in the habit of employing him in that capacity, and the plaintiff appeared to have sanctioned his being employed on the occasion in question. It also appeared that the plaintiff, in the first instance, brought an action against Payte, as being the person whom he considered to blame in the matter, and that that action was discontinued and the present one proceeded with after the death of Mr. King.

Mr. Baron MARTIN, at the close of the case, threw out a suggestion that the parties might come to some amicable arrangement whereby the two actions might be settled without any further expense being incurred. This suggestion, however, was not acceded to by either side.

His Lordship consequently summed up the case, and left it to the jury to say whether the evidence established that Mr. King had been guilty of such negligence as, in their opinion, entitled the plaintiff to a verdict.

The jury, after deliberating some time, expressed a wish to retire, and, during their absence, the learned counsel came to an understanding, and agreed, after conferring with their clients, that the record in the other action should be withdrawn; that the jury in the present case should be discharged from giving a verdict; and that each party should pay his own costs.

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MIDLAND CIRCUIT.—DERBY.

(Before Lord CAMPBELL and a Special Jury.)

*Welch* v. *Brittlebank.—Mar.* 19.

This was an action for an assault.

The plaintiff was a young man, and an attorney and magistrates' clerk at Ashbourne, and the defendant was an attorney at the same place. The plaintiff proved that on the 31st of January last he had taken a small quantity of wine with a friend, and on his way home defendant asked him to go into the Crown Inn, at Ashbourne, which he did, and there he found a Mr. Archer with the defendant, and a conversation then arose relative to a letter Archer had received from the secretary of the North Staffordshire Railway, charging Archer with having travelled with an improper ticket. The plaintiff advised that Archer should pay the additional fare, and the defendant thought otherwise. Archer was the client of the defendant. The plaintiff stated that the defendant then said he would have nothing more to do with the case, and that he would hand the case over to plaintiff. Plaintiff said he did not wish to interfere, and there was no occasion for the defendant to be piqued. Defendant said he was not. Plaintiff said, "Well, if you are not, your conduct is like that of an insane person." Defendant went out of the room and returned, and then placed himself before the plaintiff, and said, "You called me a liar." Plaintiff said he never did. Defendant said the plaintiff was a liar. The defendant then struck the plaintiff two blows on the head, which caused blood to flow from one of his ears. Defendant also kicked and stamped on plaintiff's hat. It appeared that the plaintiff was perfectly sober, from the evidence of several witnesses who were called, who saw him on the night in question after the assault. On the part of the defendant, he was called with other witnesses, and proved that they were at the Crown, and that words ensued between the plaintiff and the defendant; and that the plaintiff called the defendant a liar, whereupon the defendant said, "If you call me a liar, you must take the consequences." The defendant went out of the room, and on his return the plaintiff still persisted in calling him a liar, when the defendant struck him, as charged by the plaintiff.

The learned Judge having summed up the case, the jury returned a verdict for the plaintiff, damages £20, and the learned Judge certified for a special jury.

WARWICK.

(Before Lord CAMPBELL.)

*Edwards Wood* v. *De Gex.—Mar.* 22.

This was an action against an attorney for the negligence of his clerk in not having paid over the damages and costs in an action in which the plaintiff was a party, thereby causing him to be arrested.

The plaintiff is a gentleman of property living at Standhills, near Warwick. A disputed account arose between him and one Bateman, a surveyor at Leamington. It was referred, and Mr. Wood had to pay damages and costs, £86 7*s.* 9*d.* He sent the amount to his agents in August last, to be handed over to the other side, which, through the negligence of a clerk, was not done. On the 29th Sept. plaintiff was arrested about half-past nine at night for the above amount. Mr. Wallington, of Leamington, was the solicitor for Bateman, and was with the officer. Mr. Wood produced the receipt of his agents for the money, showing clearly he had paid the money to his agents, and that there was a mistake somewhere. Mr. Wallington wished to have £10 in addition to the debt and costs to remunerate his client, the extra damage he alleged his client had sustained. Mr. Wood was willing to pay the £10, but would not sign a memorandum to him, as drawn out for him by Mr. Wallington, as reasons for the additional £10; and as Mr. Wallington would take nothing but cash, though several persons were willing to guarantee the amount until the banks opened the next morning, Mr. Wood was forced to go to jail, and remained there all night. No imputation was cast upon Mr. De Gex, who, it was admitted on all hands, was a man of honour, but, of course, liable for the negligence of his clerks.

A verdict for £100 was taken by consent, which the plaintiff said he would give to a charity.

Mr. Wallington, who was in court, volunteered an explanation, which

Lord CAMPBELL, after attentively listening to, characterised as an aggravation of his original conduct.

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NORTHERN CIRCUIT.—YORK.

(Before Mr. Justice BYLES.)

*Childers* v. *Wooller.—Mar.* 17.

The plaintiff was the late High Sheriff for this county, and the defendant is an attorney at Darlington. In March of last year he acted as attorney in an action brought by a gentleman named Pallister (since dead) against a Mr. Fairbridge. Judg-

ment was obtained in the action, and a writ of fieri facias was issued. The Under Sheriff gave his officer a warrant to levy upon the goods of Fairbridge. This warrant was sent to Mr. Wooller, of Darlington, for indorsement, and was then transferred to the officer for execution. The direction on the warrant was "William Fairbridge, ——, Redcar, in your bailiwick," and to that place Armitage proceeded. On making inquiries, he found a William Fairbridge, butcher, at that place, and as he answered the description on the warrant, he at once placed his man in possession. It afterwards turned out that this was a mistake, as the warrant ought to have been executed on Fairbridge's father, who did not reside at Redcar, but at Coatham, a village close by. Fairbridge, jun., subsequently brought an action against the sheriff for wrongful seizure, and recovered damages, and the present action was brought to recover the amount of 124*l.* 14*s.* 3*d.* from Mr. Wooller, for the costs of the action.

The question arose as to whether Coatham and Redcar were the same parish or township, and several witnesses were called, who proved that Coatham had separate rates, separate parish officers, and, in fact, was a distinct locality altogether. A conference between the parties took place, and it was agreed to enter a verdict for the plaintiff for 124*l.* 14*s.* 3*d.*, subject to a special case in the court above.

## DEATH OF THE EARL OF DEVON.

We regret to announce the death of the Earl of Devon, who died on Saturday, at Shrivenham, the residence of his brother-in-law, the Ven. Archdeacon Berens, in Berkshire, after a very short illness.

The late Earl of Devon, William Courtenay, was eldest son of Henry Reginald, Lord Bishop of Exeter, and nephew of the first Viscount Courtenay, by Lady Elizabeth Howard, daughter of Thomas, second Earl of Effingham. He was born in 1777, and was consequently in his 82nd year. The lamented earl was educated at Christ Church, Oxford, where he graduated B.A. in 1798, and M.A. in 1801. In 1812 he was elected representative of Exeter in the House of Commons, which city he continued to sit for in the successive Parliaments up to 1826. He had been called to the bar of Lincoln's-inn in 1799, and was for a short time a Master in Chancery. On his retirement from the House of Commons, he was appointed clerk-assistant to the Parliaments, an office he held for nineteen years, namely, up to his accession to the Peerage in 1835, and on that occasion he had a vote of thanks unanimously voted to him by the House of Lords, the vote being proposed by Viscount Melbourne. The late peer was the tenth earl, the title having been dormant from the death, in 1556, of Edmund, son of Henry, the attainted Marquis of Exeter, in whose behalf the earldom of Devon had been revived in 1553, till the 15th of March, 1831, when it was adjudged by the House of Lords to William, third Viscount Courtenay, cousin of the deceased earl, who succeeded to the ancient title on his demise in 1835. In 1837 he was created a D.C.L. of Oxford University; and in 1838 elected High Steward of that university. He was a Vice-President of the Law Amendment Society, and a Governor of the Charterhouse. No less than three earldoms of Devon have been successively created and extinguished in this family. The last was granted by Queen Mary, and, after the death of its first possessor, remained dormant 265 years. The late peer is succeeded in the family honours and estates by his eldest son, Viscount Courtenay, Secretary to the Poor Law Board.

## DEATH OF MR. PRENDERGAST, JUDGE OF THE SHERIFFS' COURT.

We regret to have to record the death of Michael Prendergast, Esq., Q.C., Judge of the City Sheriffs' Court, which melancholy event took place, after a short illness, at his residence, Highgate-rise, on Sunday last—the deceased gentleman being present at the sittings of his court up to the end of last week. The learned gentleman was for many years Recorder of Norwich; he was also chairman of the commission appointed to inquire into corrupt practices in the borough of Barnstaple after the general election of 1852. He was called to the bar in November, 1820, so that at the time of his death he had enjoyed a legal experience of nearly forty years' duration, before his election as Judge of the Sheriffs' Court, some two years ago, when he was chosen out of seven or eight men of ability who offered themselves as candidates for the office, the appointment to which rests in the Common Council. The salary of the office is understood to be £1500 a year, and there will now, no doubt, as on former occasions, be a lively contest for its honours and emoluments.

THE VACANT JUDGESHIP OF THE SHERIFFS' COURT.—At a Court of common council held on Thursday, the appointment of a judge of the Sheriffs' Court in the place of Mr. Prendergast, deceased, was referred to the Officers and Clerks' Committee to inquire into the nature, duties, and emoluments of the office, and to report whether any changes are advisable. The Common Serjeant has undertaken to do the duties of the judge of the Sheriffs' Court meanwhile. We understand that Mr. John Locke, M.P. for Southwark, Mr. Bodkin, Mr. Malcolm Kerr, and Mr. Sleigh, are likely to become candidates for the vacant post. There seems to be every possibility of a strong contest, as the appointment is looked upon as a stepping-stone to the Recordership, which may before long become vacant by the election of Mr. Russell Gurney to the judicial bench. Mr. Payne, the coroner, has intimated that it is not his intention to become a candidate for the office.

BARON BRAMWELL AND A WELSH JURY.—At the Merionethshire Assizes the following scene took place at the close of a trial:—The Clerk of the Court asked, "Do you find the prisoner, David Williams, guilty or not guilty?" Foreman.—"Not guilty." (Great cheering, which was at once suppressed.) The judge requested the officers of the court to bring any one before him whom they saw joining in the applause, and he would send him to prison. His Lordship then addressed the jury as follows:—"Gentlemen, you have said that you find the prisoner not guilty. Do you understand the case? Do you understand that it is your duty to say whether or not this man received his employers' moneys, and applied them to his own purposes? Do you say he is not guilty of so doing?" Foreman.—"Yes, sir." The Judge (emphatically).—"Then I am thankful it is your verdict, and not mine." (Sensation.) Addressing Mr. Mathew, his Lordship said, "Are you an Englishman, sir?" Mr. Mathew.—"I am, my Lord." Judge.—"And your firm is English, I suppose?" Mr. Mathew.—"Yes, my Lord." Judge.—"This should be a warning to Englishmen not to invest their capital in Wales."

NEW MAGISTRATES FOR MIDDLESEX.—The gentlemen whose names follow have been placed in the commission of the peace for the metropolitan county by Lord Chelmsford, the Lord Chancellor, and the Lord Lieutenant, the Marquis of Salisbury, K.G.:—Hon. Charles John Chetwynd Talbot, M.P., commonly called Lord Ingestre; William Lyon, Esq., major in the army, 22, Grosvenor-gate; James Marshall, Esq., Wildwood, Hampstead; William John Otway, Esq., Teddington-place, Brentford; Henry Padwick, Esq., Hill-street, Berkeley-square; John Joseph Mechi, Esq., alderman of London, Tiptree, Essex; Robert Gorham Maitland, Esq., Rutland-gate; Arthur Ballantine, Esq., Colleges-terrace, Islington; William Chorman, Esq., Boltons, West Brompton; William Stutfield, Esq., Leinster-terrace, Hyde-park; Robert Nicholas Fowler, Esq., Tottenham; Borlase Hill Adams, Esq., 55, Torrington-square; John Francis Moon, Esq., 32, Portman-square; Robert Rankine, Esq., 16, Rochester-terrace; William Schaw Lindsay, Esq., M.P., Portland-place; Richard Hall, Esq., 92, Eaton-place; and Richard Jennings, Esq., 21, Portland-place.

MARRIAGE WITH A DECEASED WIFE'S SISTER.—On Saturday a deputation, including the Mayors of Manchester and Bolton, waited on the Bishop of Manchester to solicit his support to the second reading of the Bill then before the House of Lords for legalising marriage with a deceased wife's sister. His Lordship, in reply to the deputation, said, "It is my decided conviction, after careful investigation and consideration, that there is no direct Scriptural prohibition declaring such marriages unlawful. The only arguments deduced from Scripture are of a constructive character, and rest solely on the opinions of the parties bringing them forward, some of them, doubtless, men eminent for probity, intelligence, and learning. But it does not seem reasonable, or, in this country, constitutional, that any body of men, however distinguished for the great qualities last mentioned, should be permitted to make, by legislative enactment, their own private interpretation, without express warrant of holy Scripture, obligatory on others as a rule of practice. But while I unhesitatingly avow the opinion declared above, I agree with the report that, in the United Kingdom, both as regards clergy and laity, the prevalent feeling of the majority is against these marriages. I have, therefore, taken no part on either side beyond stating my conviction when applied to."

PARDON TO AN INNOCENT MAN.—A full pardon has been granted by the Secretary of State for the colonies to Captain Slee, of the *Senator*, whose trial and detention for nearly three years, at St. Helena, excited so much complaint on its fairness, as well as the merits of the case, which were strongly placed

before the Government by Mr. Solly Flood, the accused's legal adviser, and by the merchants of Liverpool. Of course, nothing more than a remission of the sentence can, under present laws, be granted.

## Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

ADMINISTRATION — INJUNCTION AGAINST PROCEEDINGS AT LAW—BILLS OF EXCHANGE ACT.

*Marriage* v. *Skiggs*, 7 W. R., L. J., 320.

This is an instance worth noting, of a simple contract creditor of a deceased debtor gaining an advantage over the specialty creditors, by the skilful use of the summary proceedings allowed by the Bills of Exchange Act (18 & 19 Vict. c. 67). The deceased was indebted to the simple contract creditor, as drawer of two bills of exchange. Soon after his death, and before his executors had proved his will, the creditor served a writ of summons upon the executors under the Bills of Exchange Act. Whether the executors might not have had a good defence, on the ground that the Act was not intended to apply to the case of executors before probate, or, indeed, to executors at all, seems doubtful. At all events, they did not think fit to obtain leave to appear and plead; the creditor obtained immediate judgment and execution against the goods of the testator; and the sheriff seized and sold the goods, to the amount of the debt and costs. In the meantime the specialty creditors were obliged to remain inactive, not being able to obtain an administration decree in Chancery, by reason of the executors not having proved the will; but, as soon as probate was granted, one of the specialty creditors took out an administration summons and obtained the usual decree for administration, and then moved for an injunction to restrain the sheriff from parting with the money. The decree, however, came too late. *Knight Bruce*, L. J., in giving judgment, said, that he gave no opinion whether the executors might have objected to the proceedings at law, but he thought that as between themselves and the general creditors they were not bound to take this line of defence. The decree not having been made till after execution, the rights of the creditor could not be affected by it; and the injunction was therefore refused.

CHANCERY IMPROVEMENT—TRIAL BY JURY.

*Griffiths* v. *Turner*, 7 W. R., V. C. W., 322.

In this case another unsuccessful attempt was made before V. C. *Wood* to call into operation the power of the Court of Chancery to summon a jury. A motion was brought for an injunction to restrain the infringement of a patent, and the plaintiff submitted that it was a case in which the question might be properly tried before a jury summoned under the 21 & 22 Vict. c. 27. But the Vice-Chancellor held that the object of the Act was to give power to the Court to try before a jury questions of fact which might be raised in a suit; whereas the action in a patent case was for the purpose of determining the legal right to which the suit in Chancery was merely ancillary. He, therefore, ordered the trial to take place at law.

JOINT STOCK COMPANY—TRANSFER OF SHARES.

*Lund's Case*, 7 W. R., M. R., 333.

This case related to that very important subject in the law of joint stock companies—the power of the shareholders to get rid of their liability by a transfer of their shares on the eve of a winding up. The subject has been discussed in several recent cases (see particularly *Bennett's case*, 5 De G. M. & G. 284; *Ex parte Jessop*, 6 W. R. 716; *Ex parte Nicol*, 7 W. R. 217). The question in general resolves itself into that of bona fides. In the present case, after a meeting of the shareholders had come to a resolution to wind up the company, Mr. Lund transferred one hundred £10 shares to his foreman for 2*s.* 6*d.* He does not appear at the time to have anticipated that the possession of the shares would occasion any loss to the holder, but only that they would be of little or no value to him. The Master of the Rolls held that the sale was invalid. In argument the case was likened to that of the executors of the assignee of a leasehold getting rid of the liability under the covenants by assigning it to a man of straw; which, in *Rowley* v. *Adams* (4 My. & Cr. 534), was considered by Lord Cottenham to be not merely allowable, but their duty. The Master of the Rolls remarked, as to this case, "I entertain great doubts as to *Rowley* v *Adams*. It seems to me very much at variance with the principles of equity. I do not know that it has ever been followed." However that may be, it seems clear that a sale of shares for a nominal consideration, on the eve of a winding up, even though the shares may be worth nothing in the market, will not be considered a valid transfer, so as to exempt the transferror from liability.

HUSBAND AND WIFE—MARRIAGE SETTLEMENT.

*Lovett* v. *Lovett*, 7 W. R., V. C. K., 333.

Where property is given to be settled, in consideration of marriage, the Court of Chancery exercises the power of directing a settlement to be made, in accordance with the intention of the parties; and if no particular form of settlement is specified in the memorandum of agreement, the Court will direct a settlement in the ordinary form of marriage settlements, so that the children shall have a share in the benefit. In the present case, however, there was no memorandum to show the intention of the parties, except a letter from the solicitor of the settlor to the lady before her marriage, stating that the settlor intended to give her £1000, "to be settled for her benefit previous to the marriage." No settlement was made, but the settlor paid the lady £5 per cent. interest on the sum of £1000 during her life. The settlor and the lady being both dead, the question was raised between the husband and the child of the marriage whether the £1000 "intended to be settled" was given for the benefit of the lady absolutely, or whether it was to go, after her death, to the issue of the marriage. The Vice-Chancellor held, that the meaning of the expression was, that it was to belong to the lady, for her separate use absolutely; and, as she left no appointment, her husband was entitled, as her administrator. (See "Spence's Equitable Jurisdiction," 488, 511.)

## Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

CONSTRUCTION OF CONTRACTS OF SALE—PAROL EVIDENCE.

*Baillie* v. *Jay*, 7 W. R., C. P., 283.

The principle in the law of contracts of sale, which was established in the case of *Spicer* v. *Cooper* (1 Q. B. 424), was a very important one, viz. that evidence is admissible to explain the "trade" sense of words used in a contract reduced to writing. There, a contract ran thus:—"Sold eighteen pockets Kent hops at 100*s.*," and it appeared that a "pocket" contained more than a "cwt.," on which evidence was admitted to show that by the usage of the hop trade a contract so worded was understood to mean £5 per cwt. This decision is cited in "Chitty on Contracts" (5 ed.), p. 103, as an illustration of the circumstances under which parol evidence, though inadmissible either to vary or contradict a written instrument, may nevertheless sometimes be allowed in order to explain an ambiguity in such instrument raised by extrinsic facts. In the present case, it was argued that on the authority of *Spicer* v. *Cook*, the true meaning of a written contract for some advertisements, might be explained by parol evidence of what had passed when the order was given. The Court held such evidence admissible, as they considered the instrument in question not to be a *contract* at all, but simply a memorandum between the parties which might be construed by the aid of all which took place between them. Hence they decided in favour of explaining the instrument by the help of parol evidence, but not for the reasons urged by the party tendering that explanation; for it may be inferred that, if they *had* considered the writing in question to be the contract itself, they would not have allowed the explanation. But the case is, even in that view, quite in harmony with *Spicer* v. *Cooper*, because the explanation sought to be introduced was not, as there, grounded on the usages of trade. Moreover, part of the evidence sought to be introduced referred to transactions between the same parties on *previous occasions*, and evidence of that kind is not allowed, as decided by the Common Pleas, in *Hollingham* v. *Head* (27 L. J., C. P., 241), a case of which we gave an account in our second volume (2 Sol. Journ. p. 562).

LAW OF BANKRUPTCY—WHAT PASSES TO THE ASSIGNEES.

*Morgan* v. *Taylor*, 7 W. R., C. P., 285.

This was a case stated for the opinion of the Court of Common Pleas without any pleadings, under the Common Law Procedure Act, 1852 (15 & 16 Vict. c. 76, s. 46). The facts, so far as material to explain the points of law, decided by the Court are as follows:—The action was brought by the plaintiffs as assignees of the estate of a bankrupt (Y.) deceased, for the recovery of money alleged to have been received by the defendant to the use of the plaintiffs. It appeared that the defen-

dant (in succession to a deceased solicitor) had conducted for Y. certain Chancery proceedings as his solicitor. These proceedings were commenced in 1835, and in 1846 the defendant advanced to Y. a certain sum on the security of the moneys which were the subject of the Chancery proceedings. Out of the sum thus advanced Y. paid the defendant his costs, upon an agreement that any portion ordered to be paid in the suit, should be repaid by the defendant to Y. In the following year Y. became bankrupt, and after his death the defendant received his costs of the suit begun in 1835, out of a fund in Chancery. The question for the Court was, whether the plaintiffs, as Y.'s assignees, were entitled to have refunded to them the sum paid to the defendant by Y. in 1846, under the agreement to that effect above mentioned, the interest on which they alleged passed to them as part of Y.'s estate. This the Court decided in the affirmative, chiefly on the authority of *Wright* v. *Fairfield* (2 B. & Ad. 727), which lays it down to have been the object of the Bankruptcy Acts to give the assignees, for the advantage of the creditors, *every* beneficial matter belonging to the bankrupt's estate. Thus, too, in *Schondler* v. *Wace* (1 Camp. 487), Lord Ellenborough said (the question being, whether a policy on the bankrupt's life—of very small apparent value at the time of his bankruptcy, in consequence of there being considerable arrears of premiums—passed to his assignees), "There was a *possibility* of benefit, to which, therefore, the assignees are entitled as part of the effects of the bankrupt."

NOTICE OF DISHONOUR, SUFFICIENCY OF.

*Paul* (*P.O. of Stuckey's, Somersetshire, Banking Company*) v. *Joeb* 7 W. R., Exch., 287.

This was an appeal against a decision of the Court of Exchequer (reported 3 H. & N. 455) in favour of the validity as a "notice of dishonour" of a bill of exchange, of a note delivered to the defendant the day after the bill became due, to the effect that the acceptance was unpaid, and that payment was requested that day before four o'clock. It was urged that, according to several cases, and particularly *Solarte* v. *Palmer* (7 Bing. 530; 2 Ch. & Fin. 93), it was essential that the writing—to operate as a good notice—should inform the drawer, either expressly, or by *necessary* implication, that the bill had been presented and dishonoured, and that the notice in question did not comply with this condition. But the judges, sitting in error, replied, that the true principle which ought to decide these cases was to be found in *Hedger* v. *Stevenson* (2 Mee. & W. 805), and *Bailey* v. *Porter* (14 Mee. & W. 44), viz. that all that is essential is, that it shall appear by *reasonable* intendment, such as would be inferred by any man of business, that the bill has been presented to the acceptor and not paid. Judging the writing in dispute by this criterion, the Exchequer Chamber affirmed the judgment of the Court below. This case may be usefully added to those cited in "Smith's Mercantile Law," by Dowdeswell (6th ed.), pp. 254, 255, in notis; but it may be remarked that, according to it, the statement in the text in that work, that, "though there is no particular form of notice, yet it must import in express terms, or by necessary implication, that the bill or note has been dishonoured," must be taken with some qualification. A "reasonable" implication will be sufficient.

PRACTICE—ARREST UNDER CA. SA.

*Sandon* v. *Jervis*, 7 W. R., Exch. C., 290.

Of this case an account has already been given in our preceding volume (2 Sol. Journ. p. 827). The decision there mentioned of the Queen's Bench, that an arrest under a ca. sa. is good if the debtor's person be legally touched, though under circumstances which would prevent him from being actually captured or restrained in his liberty (as where the touch was by the officer putting his hand through an open window), has now been confirmed by the Court of Error. The only additional point raised by the further discussion of the case, is that started by *Bramwell*, B., who, in concurring with the other judges in affirming the judgment of the Court below, intimated that in his opinion, if the debtor, after having been touched by the officer, succeeded in getting away, the arrest would be so far incomplete, that the sheriff would not be liable for an escape.

LEGAL MAXIM—OMNIA PRÆSUMUNTUR RITE ESSE ACTA.

*Williams* v. *Eyton*, 7 W. R., Exch. C., 291.

This case should be read in connection with a decision of the Court of Criminal Appeal recently noticed in reference to the liability of a parish to repair a certain road, which had been dealt with by Inclosure Commissioners (*Reg.* v. *Hogbourne*, ante, p. 305). There, the parish having failed to repair, were indicted; but their conviction was quashed, because there was no evidence that a certain certificate from the magistrates—the obtaining of which was a condition precedent to their liability to repair—had ever been given. In the present case, a certain public highway had in like manner been dealt with under an Inclosure Act, and part of it allotted to the plaintiff. Having occasion in bringing trespass to prove his title, the order of justices required by law for stopping up the old road was not forthcoming, though, on the other hand, their certificate that the new road had been put in complete repair was produced. The Court of Exchequer Chamber held in affirmance of the judgment of the Exchequer that it might be presumed that such order had been duly made on the principle that omnia præsumuntur ritè esse acta. It is not very easy to see why this presumption should arise in the case of the *order* and not in the case of the *certificate*.

## Parliament and Legislation.

### HOUSE OF LORDS.

*Friday, Mar.* 18.

THE IRISH MAGISTRACY.

The Marquis of LONDONDERRY put a question to the noble Lord the President of the Board of Trade, with respect to appointments to the Irish magistracy, and a paragraph in the Lord Chancellor of Ireland's letter on that subject.

The Earl of DONOUGHMORE said, there had been no revision of the list since Lord Normanby's time, and since then the country had passed through many changes, which rendered a revision of the list necessary. The best answer to the question of the noble marquis would be to read a letter from the Lord Chancellor of Ireland, in which he explained the motives which had induced him to issue this circular:—

In the appointment of magistrates I look to the lieutenant of the county as in duty bound to see that each district is sufficiently supplied with suitable magistrates, and that he should recommend such persons as, from their social position, intelligence, and character, are the most likely to give confidence to the people in the administration of justice. I think, therefore, the lieutenant of each county should cordially co-operate with the Chancellor in securing for the people the best description of magistrates, and should with that view furnish such information and give such suggestions as may seem to be conducive to this object. Of course, they may be confidential, if the lieutenant of the county so wishes, or so far as he expresses a wish. I do not think the Chancellor or the lieutenant of the county should be dissuaded from his duty by any apprehension of displeasing persons who would be considered by both as unfit to be magistrates. I simply wished to have from each lieutenant the best information and the most judicious suggestions he could furnish; and, as this seems to me to be the most constitutional mode of proceeding, I will consider that every name which is retained on the list is approved by the lieutenant of the county—at least, not disapproved by him—so far as he can be enabled to form his own independent opinion. I do not see why either the lieutenant or the Chancellor should shrink from such responsibility as properly belongs to each respectively. Their duty is one for the public good, and must be discharged (as I conceive) 'without fear, favour, or affection.' I am resolved so to act so far as I am concerned, and each lieutenant of a county must judge for himself how he will act in this matter.

TRADING COMPANIES WINDING-UP BILL.

This Bill passed through committee.

*Monday, Mar.* 21.

LEASES IN IRELAND.

The Earl of BANDON asked whether it was the intention of her Majesty's Government to introduce a Bill for facilitating the power of granting leases, and especially building leases, in Ireland?

The Earl of DONOUGHMORE said, the subject had engaged the serious attention of the Government, and the Attorney-General for Ireland was preparing a measure in relation to it.

INDICTABLE OFFENCES (METROPOLITAN DISTRICTS) BILL.

This Bill passed through committee, and was ordered to be reported on Thursday.

COUNTY COURTS BILL.

The LORD CHANCELLOR, in moving the second reading of this Bill, explained, that its object was to give the judges of the county courts of Southwark and Westminster the power to appoint their own high bailiffs, as did all other county court judges. By the County Courts Act the high bailiffs of Southwark and Westminster were appointed to the office of high bailiffs under the Act until Parliament should otherwise direct. They, however, had other important duties to discharge, and had performed the duties of the county courts entirely by deputy. By a rather extraordinary fatality both the high bailiffs had recently died, and an opportunity occurred of getting rid of an anomaly and inconvenience without compensation. It was not

proposed to interfere with the right of nomination in the Dean and Chapter of Westminster, and the Corporation of the City of London, to the offices of high bailiff of Westminster and Southwark, but merely to take away the duties connected with the county court, and to enable the county court judges of those places to appoint their own high bailiffs.

The Bill was then read a second time.

CONVICT PRISONS ABROAD BILL.

This Bill passed through committee.

MANOR COURTS (IRELAND) BILL.

The report of amendments in this Bill was received.

*Tuesday, Mar.* 22.

MARRIAGE LAW AMENDMENT BILL.

Lord WODEHOUSE moved the second reading of this Bill. Having traced the history of the different stages of the question during the last twenty years, the noble Lord proceeded to argue that though their Lordships had rejected a measure of a similar character in the last session, the increasing interest of the community at large in the subject, as evinced by the number of petitions laid on the table and the considerable majorities by which the Bill had passed through the other House, justified him in asking for a reconsideration of that decision.

The Bill was lost by a minority of 39 to 49.

COURT OF CHANCERY ACCOMMODATION BILL.

This Bill was read a second time.

COUNTY COURTS BILL.

This Bill passed through committee.

CONVICT PRISONS ABROAD BILL.

This Bill was advanced a stage.

*Thursday, Mar.* 24.

Lord THURLOW took the oaths and signed the Parliamentary Roll.

TRADING COMPANIES WINDING-UP BILL.

On the motion for going into committee on this Bill,

Earl GREY expressed a hope that the President of the Board of Trade would give some explanation of the working of the Limited Liability Act.

The Earl of DONOUGHMORE, having consulted the returns, found that the number of companies registered with limited liability was 1098, with a nominal capital of £75,442,887. Of these sixty-eight, with a nominal capital of £7,439,240, had been dissolved, some by voluntary action; some by adverse proceedings of their creditors. This left 1030, with a nominal capital of £68,003,647. It was not very easy to ascertain how many of these had ceased to trade, for 207 of them, with a capital of £13,181,634, were in arrears with the returns required from them. But, assuming that these had ceased to trade, there were yet 823 companies in existence, with a nominal capital of £54,828,000. As to how these companies were working it was impossible for him to give any accurate idea. A great majority of companies had been dissolved by the voluntary action of their shareholders. These companies were obliged to affix the word "limited" to all their documents, and the effect seemed to have been to make the public very cautious in dealing with them. As to the companies registered without limited liability, 361 companies of this kind had been registered under the Act which had been trading before it. Only fourteen companies had been formed since the passing of the Act, and sixteen had been dissolved. This left 359 companies, with a capital of £8,500,000, trading under the Act without limited liability. As to the effect of the Act upon banking companies, eleven had been registered under the Act, with a nominal capital of £4,500,000, with unlimited liability; two of them had registered for the purpose of dissolution, so that nine were now existing with a capial of a little more than £3,000,000.

Lord OVERSTONE said, it was the imperative duty of Parliament to watch with the closest attention the effect of the great alteration in commercial operations produced by the Limited Liability Act, and drew the attention of the House to the many abortive schemes which had been set on foot, and the result consequent upon a reckless extravagance of outlay.

Their Lordships then went into committee upon the Bill, and the various clauses were agreed to.

EVIDENCE BY COMMISSION BILL.

This Bill was read a second time.

INDICTABLE OFFENCES (METROPOLITAN DISTRICTS) BILL.

The report of amendments on this Bill was received and agreed to.

OATHS ACT AMENDMENT BILL.

This Bill was read a second time.

MANOR COURTS, &c. (IRELAND), BILL.

This Bill was read a third time and passed.

## HOUSE OF COMMONS.

*Friday, Mar.* 18.

THE PUBLIC OFFICES EXTENSION BILL.

This Bill was read a second time.

COURT OF PROBATE, &c. (ACQUISITION OF SITE) BILL.

This Bill was read a second time.

THE PUNISHMENT OF OLD OFFENDERS.

Mr. DRUMMOND asked the Secretary of State for the Home Department whether he had considered the complaint addressed to him by the visiting magistrates of the House of Correction at Wandsworth, respecting the committal to their charge of old convicts from the police offices in London for short periods, instead of such convicts being committed for trial at the Old Bailey; and whether he proposed to take any steps to remedy the evil?

Mr. HARDY said, that a great deal of evil had arisen, not in the metropolis merely, but throughout the country, from a misinterpretation of the Act, which enabled justices of the peace to deal summarily with persons convicted of simple larcenies and first offences. Some magistrates were in the habit of applying that Act to persons who had been convicted, not once, but many times, and who, instead of being committed for trial, were repeatedly sent to prison for short periods, thus rendering it impossible to exercise any reforming influence upon them at all. The Secretary of State intended to address a letter on the subject to the police magistrates in the metropolis. By giving publicity to that communication, he hoped to direct the attention of magistrates in counties to it; but in the event of their continuing in their present course, it would be absolutely necessary to pass another Act.

THE CONCENTRATION OF THE LAW COURTS.

Mr. HOPE asked the First Commissioner of Works whether her Majesty's Government purposed to take any steps for the concentration of the courts of law and equity, in pursuance of the recommendations both of the Incorporated Law Society and of the Society for the Amendment of the Law? Great inconvenience existed from the present dispersed state of the courts of law and equity. Some were in Lincoln's-inn, some in Westminster, and some at Guildhall; and judges and barristers, solicitors and clerks, were constantly scouring about the town in cabs and broughams. With a view to remedy that evil a scheme had been before the public for some time for concentrating the law courts on a piece of ground of about seven acres in extent, situated near all the Inns of Court, and affording full accommodation for the administration of justice, both in law and equity. Petitions in favour of that scheme had been presented from the Incorporated Law Society, representing the solicitors and proctors, and from the Law Amendment Society, representing, under the presidency of Lord Brougham, some of the most eminent members of the bar. It appeared likewise that a certain fund, called the Suitors' Fund, might be made available for defraying the cost of such an undertaking, at least so far as the accommodation of the courts of equity was concerned. Yet it was now proposed to rebuild the courts of equity within the precincts of Lincoln's-inn—a plan which, if carried out, would render impossible that concentration of the courts of law and equity from which such great advantages might fairly be expected. He trusted that the Government would not sanction any scheme which would have the effect of maintaining the courts in their present dispersed state, and that, at all events, no such step would be taken without the fullest inquiry and consideration.

Lord J. MANNERS admitted that great convenience would result from the concentration of the law courts, but there was considerable difference of opinion among the most competent persons,—first, as to whether the fund which the hon. member had referred to was sufficient for the purpose; and, secondly, whether, such as it was, it could be applied to the reconstruction of the courts of law and equity. Under these circumstances the Government were not prepared to take any steps. The subject was one which required investigation, and the only question was, whether the inquiry should be made by a select committee or a Royal commission. At present he was unable to say more, but he would be glad on a future occasion to answer any question which the hon. member might put to him.

CASE OF MR. BARBER.

Mr. BRADY asked the Secretary to the Treasury what the Government intended to do in reference to the report of the select committee on the petition of Mr. W. H. Barber.

Sir S. NORTHCOTE said, the case of Mr. Barber had been under the consideration of the Government for some time, and no little difficulty had been experienced in deciding how to deal with it. On the one hand, a precedent ought not to be laid down which might operate injuriously in other cases of an analogous nature; and, on the other hand, this particular case was, to a certain degree, taken out of the ordinary category by the fact that it had been investigated by a select committee of that House, who had unanimously recommended it to the special consideration of the Government. Various proposals had received the attention of the Government, which had felt that the only unobjectionable mode of proceeding would be to give some recognition of the sufferings which Mr. Barber had certainly undergone. This would be attained by a grant of public money to Mr. Barber; and accordingly in the estimates for the coming year such a sum would be included as, without pretending to compensate him for what he had endured, would still be an acknowledgment on the part of Parliament and the country that he had suffered considerably, and was therefore entitled to some consideration of this nature.

SALE OF POISONS BILL.

This Bill passed through committee pro formâ, and was ordered to be reprinted.

PETITIONS OF RIGHT BILL.

This Bill passed through committee.

TITLES TO LAND (SCOTLAND).

The LORD ADVOCATE obtained leave to bring in a Bill to extend certain provisions of the Titles to Land (Scotland) Act, 1858, to titles to land held by burgage tenure, and to amend the said Act.

The Bill was brought in and read a first time.

*Monday, Mar. 21.*

NEW MEMBER.

Captain JERVIS took the oaths and his seat for Harwich.

THE BEQUESTS ACT (IRELAND).

Mr. ENNIS inquired of the noble Lord the Chief Secretary for Ireland whether it was his intention to introduce a Bill during the present session to amend the Act 7 & 8 Vict. c. 97, entitled "The Bequests Act (Ireland)."

Lord NAAS replied in the affirmative.

COUNTY PRISONS (IRELAND) BILL.

This Bill was committed pro formâ.

PUBLIC OFFICES EXTENSION BILL.

On the motion of Lord J. MANNERS, this committee was appointed as follows:—Lord J. Manners, Sir B. Hall, Mr. Whitmore, Sir J. Shelley, Mr. Stirling, Mr. Byng, and five members to be added by the committee of selection.

COURT OF PROBATE, &c. (ACQUISITION OF SITE), BILL.

On the motion of Lord J. MANNERS, the select committee on this Bill was appointed:—Lord J. Manners, Mr. Headlam, Sir R. Carden, Mr. Ayrton, Mr. Lygon, Mr. Crawford, and five members to be added by the committee of selection.

LUNACY REGULATION ACT (1853) AMENDMENT BILL.

The SOLICITOR-GENERAL obtained leave to introduce a Bill to amend the Lunacy Regulation Act (1853). The object of the measure he stated to be to secure a more efficacious inspection of those unfortunate persons who were found to be lunatics by inquisition. He might add that he proposed to refer the Bill to the same select committee as that to which two others of a similar nature which had been laid on the table by the late Home Secretary had been referred.

The Bill was read a first time.

THE REFORM BILL.

The CHANCELLOR of the EXCHEQUER moved the second reading of this Bill.

Lord JOHN RUSSELL proposed an amendment.

The debate was adjourned.

*Tuesday, Mar. 22.*

MARRIED PERSONS (SCOTLAND).

Mr. MONCRIEFF obtained leave to introduce a Bill to amend the law of Scotland in regard to the relationship of husband and wife.

The Bill was subsequently read a first time.

THE REFORM BILL.

The adjourned debate on the Representation of the People Bill was resumed, and again adjourned until Thursday.

*Wednesday, Mar. 23.*

HIGH SHERIFFS' EXPENSES.

Mr. GRIFFITH complained of the heavy expenses to which persons serving as high sheriffs were rendered liable in discharging the duties of the office, and moved the second reading of a Bill intended to define and regulate them.

Mr. SOTHERON ESTCOURT did not oppose the second reading, but suggested that alterations should be made in committee.

The Bill was accordingly read a second time.

*Thursday, Mar. 24.*

REMARKS OF MR. BARON BRAMWELL.

Mr. SALISBURY gave notice that, on the motion for the adjournment till Monday, he should put a question to the Home Secretary relative to certain remarks reported to have been made by Mr. Baron Bramwell after the jury had returned their verdict in the case of David Williams, tried at Bala, for stealing certain moneys belonging to his employer.

BANKRUPTCY AND INSOLVENCY BILL.

Mr. BOUVERIE gave notice that on the motion for going into committee on this Bill he should move that the measure be referred to a select committee.

DIVORCE AND MATRIMONIAL CAUSES COURT.

Mr. JAMES asked the Attorney-General whether the attention of her Majesty's Government had been drawn to the large arrear of causes waiting for judicial decision in the Divorce and Matrimonial Causes Court; and whether they were prepared to propose any measure for the appointment of additional judges, or otherwise, to remedy the delay now so much complained of.

The ATTORNEY-GENERAL said, his attention had been for some time past called to this subject. It was one attended with very considerable difficulty. By the Act of Parliament under which this Court was constituted, power was given to summon to its aid the chief justices and the other judges of common law sitting in the superior courts at Westminster; but it was found that, by reason of their other numerous and important duties, their attendance at this new tribunal in adequate numbers and with sufficient frequency was wholly impracticable. Under these circumstances he had thought it right to direct some inquiries to be made, the result of which would come before him in the course of a very few days. He would then submit the whole matter to the Government.

REMUNERATION TO WITNESSES.

Mr. POWELL asked the Secretary of State for the Home Department, whether a report had been received from the commission appointed to revise the scale of remuneration to witnesses and professional men engaged at assizes and sessions.

Mr. S. ESTCOURT said, that the Commissioners had last year made a partial and preliminary report on the subject referred to them, but until the final report had been received no action could be taken by the Government in the matter.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL.

This Bill was also read a second time.

THE REFORM BILL.

The adjourned debate on the Representation of the People Bill was resumed and again adjourned.

## Communications, Correspondence, and Extracts.

### TITLE TO LANDED ESTATES BILL.—No. 1.
### REGISTRY OF LANDED ESTATES BILL.—No. 2.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—Permit me to draw your attention to a few facts which seem to me to be not immaterial in the consideration of these measures.

It appears by returns made to the House of Commons in 1858, that the number of assurances registered in Middlesex and Yorkshire in 1857 was about 27,000. We have no means of ascertaining, with any approach to accuracy, what is the amount of business done in other counties. Assuming the population returns under the last census as a proximate datum, Middlesex and Yorkshire may be supposed

to represent about one-fifth of the entire kingdom. We thus arrive at a gross total of 135,000 transfers and mortgages per annum.

I am aware that a large proportion of these transactions are not dealings with the fee simple, and consequently do not come within the provisions of the Bills as at present drawn. But if the new machinery should be found to work well (that is, with greater simplicity and less expense than the present system) *for the fee*, it would be both legally and socially an anomaly to retain the more cumbrous and expensive mode for *smaller estates*, carved out of the fee; and the Solicitor-General, in committee, avows his hope that the measure will be so extended as to include leasehold estates.

It is necessary then to provide for the possible registration of about 500 transfers and mortgages per diem. It is not to be a registry of deeds,—that the Solicitor-General especially protested against,—but a registry of estates and transfers. We shall see presently what that means.

The staff provided by the Bill No. 2, to dispose of the business attending the mere orderly reception of these documents (and it must be orderly, for they are to rank according to the order in which they are entered on the registry), to be afterwards classified, inspected, authenticated, entered on the register, and otherwise disposed of; to receive, record, or remove cautions, inhibitions, and restrictions; and perform the various other duties created by the Bill, is,—one registrar, such number of assistant registrars (not exceeding three), and such clerks, messengers, and servants, as the Chancellor may appoint. Upon this I will only remark that my estimate of the business likely to be transacted in the office of land registry must differ very widely from that of the framers of the Bill.

The Bill No. 2 provides, that (s. 8) a land certificate shall be given to the proprietor of land on his proving his title thereto, after which the land, or any part thereof, may be transferred by simply endorsing on this certificate, "I, the within-named A. B., transfer to C. D. the within-mentioned lands."

By s. 27, the registrar is to deliver to the transferree a fresh land certificate, and where part only of the land is sold, he shall also deliver to the transferror a fresh land certificate, containing a description of the land retained by him.

In the ordinary course of my avocation during the last week, three deeds have passed through my hands, in which the descriptions of the lands affected have extended to 60, 100, and 200 folios respectively. The two former were conveyances of separate lots of one estate to different purchasers; the third was totally irrelative to either of the others. These are extreme cases, but by no means so unfrequent as may be imagined, while cases similar in kind, though lesser in degree, are of almost daily occurrence. Let us see what is to be done with them.

We will presume that the transferror has already obtained a land certificate containing a description of his lands. He must then endorse thereon a transfer, including possibly a description of 100 or 200 folios (s. 24).

The land certificate so endorsed is to be delivered to the registrar and retained by him (s. 25). It must, I presume, be examined, docketed, and entered.

A fresh land certificate is then to be given to the purchaser, containing a similar description, and the transferror is to have a fresh land certificate, containing a description of the lands retained by him. What the original description may be, we cannot guess, but in the case I allude to, there were upwards of fifty purchasers; therefore the process, in this instance, would have to be so many times repeated; and, moreover, should the present transferrees hereafter sell any portion of their estate, a similar process must be again gone through.

However rare such cases may be, they must be provided for. The labour will be great, but that is not all, they must be dealt with by men of standing and acquirement, and they must occupy time.

It is much more easy to point out difficulties than to show how they are to be avoided. I have no pet scheme to recommend, neither have I time or skill to elaborate one, but it appears to me that the Bills attempt too much. The great evil complained of is the constantly recurring investigation of the title. This might be remedied by limiting the operation of the proposed measure to the conferring a Parliamentary title to land.

In all cases of sale or mortgage, let the parties to the contract (if they think fit) apply to the Court as provided for by s. 17, *et seq.*, of Bill No. 1. But let the investigation be conducted by the parties, or their counsel in the law, the Court acting as judicial umpire, making its own requirements, judging of their fulfilment, and when satisfied that the title has been proved, making their judicial declaration to that effect, thereby conferring a Parliamentary title, and let such Parliamentary title be registered in the office of land registry. Such a measure would, perhaps, not be unpopular with the profession, while a great benefit would be conferred on the community by limiting future inquiries into the title to transactions which may have taken place since such Parliamentary title was last obtained. Then for the present let conveyancing—i. e. the transfer of estates, take care of itself. When the title is shortened, conveyances will necessarily be shortened also. There will be enough to do for a few years to get this part of the system into good working order. Let it be tried and judged by its effects; if the verdict be encouraging it will then be time enough to give us, in addition to a Parliamentary title, a Parliamentary conveyance also.—I am, Sir, your most obedient servant,

T. T.

## LEGAL HONOURS.

*To the Editor of* THE SOLICITORS' JOURNAL & REPORTER.

SIR,—I have often heard the question asked, "Of what service in after life are legal honours to those who gain them?"

I confess it would be difficult to answer the query satisfactorily. It is true that the Incorporated Law Society does publish a list of those to whom honours are awarded, but that is soon forgotten.

In order to perpetuate the fact, and offer the greatest possible inducement to perseverance, application and hard study, I beg to suggest that those candidates who gain distinction have assigned to them initial letters to follow their names, showing the degree of honour attained, as is the case at our universities.

The insertion of the above will oblige many besides your obedient servant,

ONE WHO GAINED HONOURS.

## IMPRISONMENT BY COUNTY COURTS.

The following letter on commitments from county courts for small sums, has been addressed to the Attorney-General by Henry Stapleton, Esq., Judge of the Durham district of County Courts:—

"SIR,—As one of the judges of the county courts, I am extremely glad to find that your attention has been called to the immense number of commitments under the 99th section of the 9 & 10 Vict. c. 95, and most respectfully submit to your consideration the justice and propriety of making the following alteration in the law; namely—'That for the future, in all cases in which the debt, without costs, does not exceed 40*s.*, it shall be lawful for the judge to commit the debtor for any of the offences specified in that section, for any period not exceeding seven days (in place of forty days); and that actual imprisonment under any such commitment shall exempt the debtor from all future imprisonment for or in respect of the same debt and costs, but that his property shall still remain liable to the payment thereof.' It appears to me that this punishment would be quite sufficient for any number of offences in respect of such a debt. The country will not allow of any long imprisonment for a debt not exceeding 40*s.* I believe upon inspection of the county court records, it will be found that a lengthened imprisonment has not been more effectual for the prevention of offences than an imprisonment for seven days.

"'In all cases in which the debt, without costs, exceeds 40*s.*, it shall be lawful for the judge to commit the debtor for any of the offences mentioned in the 99th section, for any period not exceeding twenty-eight days (in place of forty days); but that no debtor shall be liable to be imprisoned more than twice for the same debt, though his property shall still remain liable to the payment thereof.' I fear, that in most cases, imprisonment has no beneficial effect on the prisoner; but the apprehension of it prevents many half-honest persons from the commission of the offences liable to the punishment. Many debtors will pay their debts after they have been once imprisoned, from fear of a second imprisonment; but in most cases, after a second imprisonment, they become hardened and reckless and will not pay, therefore all further punishment is useless. The country will not tolerate repeated imprisonments for any debt recovered in the county court, whatever may be the nature or the number of the offences committed in relation to it.

"After twelve years' experience, I am fully convinced that a limited power of commitment is necessary for the effectual working of the County Court Acts, and that a short imprisonment of the debtors who commit the offences specified in the 99th section of 9 & 10 Vict. c. 95, is neither harsh, cruel, nor unjust. There are an immense number of workmen without furniture, or any other property, *earning great wages*, who will not pay their debts, except from the fear of imprisonment; and it is only just and right that they should be compelled to pay the tradesman who gave them credit when off work, from sick-

ness, the total or partial suspension of trade, the failure of their masters, the destruction by fire of their masters' premises, or from any other cause, or until they received their first pay at the end of seven, fourteen, or twenty-one days after they commenced to work. If tradesmen did not give credit to workmen off work, from any of the above causes, or until they receive their first pay, I believe that the distress and misery now too often prevalent amongst the working orders (many of whom are very improvident) would be much increased, and in some cases lead to riot and disturbance.

"That a limited power of imprisonment is not unjust, or cruel, appears to me from the following facts:—In the Barnardcastle district, agricultural labourers earn from 12*s.* to 15*s.* a-week; carpet weavers from 12*s.* to 16*s.* a-week; leadminers receive 10*s.* a-week in part payment of their wages, which are settled once or twice a-year; masons and joiners earn from 18*s.* to 24*s.* a-week; and journeymen tailors and shoemakers from 12*s.* to 20*s.* a-week; and there are, upon an average, thirty-six cases in a month. One-third of these cases are paid into court, one-third of them settled out of court, and the defendants in two-thirds of the remaining cases come into court, admit the debt, and offer to pay, and actually do pay, from 4*s.* to 6*s.* a-month. This shows that in general where there is a will there is a way to keep out of debt, or if from any cause a debt is incurred, the labouring man, if honest, may pay it by small instalments.

"In Sunderland, labourers earn from 15*s.* to 18*s.* a-week; ship carpenters, until lately, 36*s.* a-week, or 6*s.* a-day; masons, bricklayers, and joiners, 27*s.* a-week; anchor and chain makers, 6*s.* a-day, or 36*s.* a-week; men employed in the glass works, from 23*s.* to 50*s.* a-week; journeymen tailors and shoemakers, from 18*s.* to 25*s.* a-week; sailors, until lately, £4 a-month; coalminers, 44*s.* a fortnight, with house, firing, and medical attendance, for which they pay 6*d.* a fortnight; and if they have any boys in the family above ten or eleven years old, they receive from 1*s.* 3*d.* to 2*s.* a-day, and instead of thirty-six cases, there are from 300 to 450 a-month. Not above ten or twelve are paid into court instead of one-third; and it is only from the fear of imprisonment that a great part of the defendants will pay the debt and costs by instalments, of from 4*s.* to 10*s.* a month. At Shotley Bridge there are large iron-works, and the workmen employed in them earn very large wages, and in general are *without any furniture, or other property* liable to execution. Puddlers earn 6*s.* a day, rollers 10*s.*, shearsmen, shinglers, and ball-furnace men 14*s.* a day. I ask, is it cruel or unjust to compel these men to pay their debts by instalments, of from 4*s.* to 10*s.* a month, and to send them to prison for a short time if they will not? Surely the payment of from 1*s.* to 2*s.* 6*d.* a week out of such wages does not require any great self-denial.

"I would earnestly urge the immediate repeal of the 48th section of the 19 & 20 Vict. c. 108, which empowers the judge of the county court to commit a defendant residing out of his district. I have known many instances of labouring men and mechanics, living in the county of Durham, committed for forty days for non-appearance to a summons after judgment issued out of courts from 50 to 300 miles from the county of Durham. The judges must have acted upon the ex parte statement of the plaintiffs, and what possible evidence could they have had that the defendants, working men, had the means to travel 50 to 300 miles, and refused to do so?—I have the honour to remain, your obedient servant,

HENRY STAPYLTON,
*Judge of Circuit* 2."

## BANKRUPTCY LAW REFORM.

### REASONS FOR RETAINING THE SERVICES OF OFFICIAL ASSIGNEES IN ALL CASES OF BANKRUPTCY.

(By EDWARD LAWRANCE, Esq., Member of the Council of the Incorporated Law Society).

1. Because they were appointed under an Act of Parliament, passed in the year 1831, in deference to the unanimous wishes of the mercantile and trading community, to correct the evils which existed in the collection and administration of bankrupt's estates, and to prevent the future malversation of funds.

2. Because the immediate result of their appointment was the collection and distribution of upwards of two millions sterling, which had been previously withheld by creditors' assignees or their agents.

3. Because the appointment of official assignees had been found to work so beneficially in London from the period of their first appointment by Lord Chancellor Brougham in 1831 to 1842, that in the latter year official assignees were appointed by Lord Chancellor Lyndhurst for the country districts.

4. Because under the "Bankrupt Law Consolidation Act, 1849," the appointment of official assignees in all cases of bankruptcy was recognised and confirmed.

5. Because her Majesty's Commissioners appointed to inquire into the "fees, funds, and establishments of the Court of Bankruptcy," by their report, dated 10th of April, 1854, and presented to both Houses of Parliament,* reported, amongst other matters, as follows.—(*Parliamentary Blue Book*, "*Bankruptcy Commission*," 1854, p. 41.)

> The court has attached to it an officer who is chosen for his experience in commercial affairs, and his knowledge of finance and accounts. This officer (the official assignee) is employed in the investigation of the bankrupt's books and papers, and of his affairs generally, with the view of securing to his creditors every portion of the estate, and of enabling them to resist unfounded claims. In the course of his labours he becomes acquainted with the conduct of the bankrupt, and the character of the bankruptcy, and he is often able to furnish the Commissioner with trustworthy information with reference to those two very important stages—the last examination and the allowance of the certificate. These are duties which cannot be efficiently discharged except in a fixed office, and they may be advantageously executed in one locality as the centre of an extensive district.

6. Because solicitors of great experience in the city of London, although entertaining different views as to the winding up of estates, concurred in the opinion—

> That the official assignees were a valuable and useful body, and that their services, when efficiently applied, entitled them to be well paid.†

7. Because the Act 19 & 20 Vict. c. 47 (July, 1856), for the incorporation and regulation of joint stock companies and other associations, further recognises the services of the official assignees, by enacting—

> That in cases within the jurisdiction of the Court of Bankruptcy, the official assignee to be named by the Court shall be the official liquidator, with liberty for the major part in value of the contributories assembled at a meeting to be held for the purpose, to appoint an official liquidator to act concurrently with the official liquidator so named by the Court.

8. Because the necessity and advantage of independent public officers in the collection and administration of bankrupts' estates have now been tested by an experience of twenty-eight years, and no reasonable argument has at any time been urged against such officers.

9. Because an income or profit, of upwards of £40,000 per annum, is derived from the investment by the accountant in bankruptcy of cash received, being the floating balances paid over by the official assignees, and which £40,000 is applied towards paying the expenses of the Court of Bankruptcy.

10. Because the expenses of the Court of Bankruptcy, including judicial salaries, superannuation allowances, and compensations, which amount to £88,000 per annum, are partially paid by the £40,000 above mentioned; and if the assets be withdrawn from the administration of the official assignees, a

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* The Commissioners were—The Right Hon. Spencer Walpole, Sir George Rose, Mr. Clement, T. Swanston, Q.C., Mr. Commissioner Hill, Q.C., Mr. James Bacon, Q.C., Mr. Commissioner Holroyd, Mr. Edward Cooke, Q.C., and Mr. George Car Glyn, banker.

† Extract from Parliamentary Blue Book, "Bankruptcy Commission, 1854," being answers to questions of the Bankruptcy Inquiry Commission:

"After much consideration we have come to the conclusion:—

"That it is desirable that the official assignee be remunerated partly by fixed salary, sufficient to cover the out-pocket expenses of his office. We consider the official assignees to be a valuable and useful body, and that their services, when efficiently applied, entitle them to be well paid.

"That they should also have, besides a fixed annual sum, a sum proportionate to their labour in collecting the assets, and such as shall stimulate them in the performance of their duties.

"That the present irregularities of income of the official assignees should be, to a certain extent, remedied, but with a due regard to the expediency of the income being also, to a certain extent, proportionate to the respective labours of each.

"That the sum charged for examining accounts should be abolished.

"In order to carry out the above principles, we have agreed to the following suggestions:—

"That the gross total amount of remuneration upon all estates during the year should be considered as a common fund.

That out of that common fund an annual sum (which we have fixed at £800 a-year) be in the first instance paid to each official assignee.

That subject to such payment of a fixed annual income, the balance of the common fund be divided amongst the official assignees, pro rata, according to their respective receipts.

[e. g. If the common fund amounted to £24,800, and the official assignees were six in number, £4800 would be equally divided. The remaining £20,000 would be divisible amongst them in proportion to the respective amounts paid into the common fund by each.]

"We approve of the appointing of the official assignee resting with the Lord Chancellor, but we think that persons who have proved themselves to be able and efficient clerks in the offices of the official assignees should be eligible to succeed them.

(Signed) GERMAIN LAVIE, of the firm of Oliverson, Lavie, & Peachey.
JOHN REES, of the firm of Wilde, Rees, Humphry, & Wilde.
JOSEPH MAYNARD, of the firm of Crowder & Maynard.
WILLIAM MURRAY, 11, London-street.
EDWARD LAWRANCE, of the firm of Lawrance, Plews, & Boyer.
JOHN LINKLATER, of the firm of J. & J. H. Linklater.
W. H. ASHURST, jun., of the firm of Ashurst & Son.
JAMES FRESHFIELD, jun., of the firm of J. C. & H. Freshfield."

great part, if not the whole, of that profit will be lost to the public, and retained and appropriated by the creditors' assignees, or their nominees. There is no available fund for making up the deficiency.

11. Because the appointment of creditors' assignees, trustees, or inspectors, with a power at discretion to withdraw the control of the assets from the official assignees in the mode suggested by the Bills now before Parliament, will deprive the Court of all efficient control of the assets, will virtually exclude the official assignees in all cases of importance, and will make the administration of every estate the subject of contest with a view to individual profit.

12. Because the complicated machinery proposed by Lord John Russell's Bill for the election of creditors' assignees, and inspectors, will necessarily cause delay, inconvenience, and expense, without any sufficient guarantee for the due appropriation of the assets.

13. Because it is desirable, as well for the creditors as for the debtors, and for the interests of public justice, to prevent any tampering with books, that all the books and accounts of the debtor should, as at present, continue to be held by an independent public officer, accessible to all persons interested in obtaining information as to the traders' dealings, and as to the realization and distribution of the estate; and that the present facilities for payment of dividends should also be retained. These advantages cannot be secured except by the continuance of a responsible public officer in a known locality.

14. Because it may be reasonably presumed that an estate would be less economically administered by an inexperienced paid creditors' assignee, than by an experienced official assignee.

15. Because it is undesirable to hold out to an official assignee any inducement to forfeit his present independent position by canvassing for the administration of an estate in competition with creditors or their nominees.

16. Because, consistently with the ordinary rules of honesty, it would be unfair to deprive official assignees of their emoluments as public officers who have zealously and faithfully discharged their duties for a long series of years, who have given large securities for the due performance of those duties, and who have been restrained from exercising any other office or employment, without an adequate pecuniary compensation, and there is no fund from which such compensation can be paid.

## TEAR AND OTHERS *v.* TAYLOR.

We are requested to notice the following letter, which appeared in the *Chelmsford Chronicle* of yesterday, addressed to the editor of that journal:—

"SIR,—In my letter to you, published in the *Chelmsford Chronicle* of Friday last, protesting against the course adopted by counsel, of lavishing abuse upon the profession of an attorney, whenever an opportunity offers, and which, from being unchecked, has been productive of so much prejudice in the minds of jurymen, as to amount to a practical *outlawry* of the whole profession, numbering upwards of ten thousand persons, I have asserted that this prejudice and injustice to the profession is more injurious to the middle classes than to attorneys. Will you permit me to make good this assertion? Attorneys, as a class, are the sons of merchants, successful tradesmen, and the more opulent of the middle classes, who seek for their children the respectable position which attaches to the learned professions. The services of the attorney, like that of the medical practitioner, are everywhere required by some member of the community. The attorney is resorted to for advice and assistance in almost every difficulty; to him is often entrusted the preservation of the honour, fortune, character, and position of families; and in every emergency his helping hand is sought, and his purse opened, to aid the necessities of others. Yet this profession, so useful to the community, and embodying within its ranks the practical common sense of the middle classes, is, as a body, placed beyond the pale of the law. Not one of its numbers dare appeal to a common jury, whatever injury he may sustain, without the certainty of a verdict against him; and the trial of the cause which gives rise to these observations shows that, if an attorney be associated with other gentlemen as trustees, it will be fatal to the cause, even with a special jury. Who are those persons who have created this prejudice in the public mind against an honourable profession, and who by appeals to passion and prejudice have produced this result; and what are their pretensions, that they should insult the whole middle-class community by their ceaseless attacks upon attorneys? They are members of the common law bar, persons who owe everything to attorneys, and whose pretensions are expressed in the following rule of the four Inns of Court, made in the twelfth year of King James:—

"'For that there ought alwaies to be preserved a difference between a counsellor-at-law, which is the principal person next unto serjeants and judges in administration of justice, and attorneys and solicitors, which are but ministerial persons, and of an inferior nature; therefore it is ordered, that from thenceforth no common attorney or solicitor shall be admitted of any of the four houses of Court.'

"This absurd loftiness of language, which describes barristers as of a superior "nature" (not degree or station), portrays the feeling which is widely entertained in the present day, or we should not find the members of our profession stigmatised without cause and without rebuke from the presiding judge, or reply from the advocate whose duty it is to defend his client. It may be fun to hear a merchant's son snubbed and abused, without his possessing the power to reply. These bar-wasps are by such means enabled to gratify their feelings of contempt towards the whole trading community. I have a few words to say as to the consequences of such a system. To the barristers belong all the judgeships throughout the land. No middle-class man, called an attorney, ever partakes of the dignity of judicial office, nor does he share in the two millions-and-a-half, and upwards, annually voted by Parliament as the national contribution to law and justice. All the judgships in the colonies, the office of stipendiary magistrates, and the colonial attorney-generals, are possessed by the bar; but, not content with all these good things, the place of attorney and solicitor in the public departments are given to barristers, and the office of taxing master in the common law courts of justice are also theirs. The duties of these last-named offices, the attorney, from his education and experience, is best able to discharge. The attorney is excluded from all commissions of the peace; and although our large towns have silently protested against the practice by electing attorneys to the office of 'mayor,' yet the rule of exclusiveness is not likely to be relaxed so long as the middle classes are content to be unjust to themselves. Attorneys in the House of Commons are few in number, while barrister members are numerous. The consequence of the want of the more practical man of business is to be seen in the course of legislature in matters affecting the law. The tinkering, under the name of law amendments, which annually takes place, is not the work of attorneys; and, if closely examined, will be found to be more productive of patronage and place for the barrister than of benefit to the community. This is a matter which more concerns the commonalty and gentlemen of England than the attorneys, who do not complain of the honey which other men gather falling to the barristers' lot, but they do complain of the injustice of 'outlawry to attorneys' without offence, and unjust attacks by members of the common law bar upon that branch of the legal profession to which I have the honour to belong.

"In these observations I particularly address myself to those gentlemen who, from their own notions of superiority, think they are justified, and that it is consistent with the duties of an honourable man, to libel an attorney in court, when there is nothing to justify the attack. The excellent and upright men who look upon the evidence before them in a cause as their proper instructions, and who address themselves to facts only, and labour to promote the cause of truth and justice, I esteem most highly, and should regret to mix up with persons who use their position to utter libels and vilify without a cause, and make the inmates of the jury box the preliminary audience to the more important ones designed to listen to addresses from the platform as the step to the senate, and from thence to the judgment seat.—I am, Sir, your obedient servant,

"JOHN TURNER.

"9, Carey-street, Lincoln's-inn, March 24."

## The Provinces.

BRADFORD.—*Allowance to Witnesses in Prosecutions.*—An instance of the injurious practical working of the new table of allowances to witnesses in prosecutions occurred at Bradford on Tuesday last. A young woman applied at the office of the clerk to the borough justices for a warrant for the arrest of a man whom she accused of having committed a rape. Previous to the warrant being granted, the testimony of a medical man was required, as is usual in such cases; and, accordingly, the young woman applied to two or three surgeons, but all of them positively refused to have anything to do with the case, on the ground that, if it were sent to the sessions or assizes, and their

evidence should be required, the allowance made to them under the existing scale would be utterly inadequate to remunerate them. Ultimately, however, Mr. Parkinson, surgeon, who is generally called in when the services of a medical gentleman are required at the police-station, reluctantly consented to do what was necessary in the case, and a warrant was granted for an assault.—*Leeds Mercury.*

DERBY.—*County-Court Advocates.*—At a Court held on Monday last, before J. T. Cautrell, Esq., the Judge, his Honour remarked, that, as it had been misrepresented elsewhere that he had expressed a wish for advocates to robe out of respect to himself alone, he wished to state that that assertion was entirely false. He had said that, in the great majority of the county courts, advocates always appeared in what is considered proper costume, and that he did not wish his circuit to be the last to pay respect to the institutions of the country; and he hoped that the advocates in this Court would adopt the proper costume, namely, a gown and bands; the same as that worn by the registrar, and different from those which are used by the barristers.

DORCHESTER.—At the Insolvent Court on Tuesday, Sir E. Leeds, Bart., late of Weymouth, and twenty other places, who had been in prison about two months, came up on his hearing, having applied for discharge under the Insolvent Debtors Act. It was stated that the debts in the schedule were upwards of £10,000, and the assets nil. His Honour ordered the insolvent's discharge forthwith.

LEEDS.—An award has just been made in the case of the Assignees in the bankruptcy of Messrs. Baxter, Thornton, & Galloway v. Mawson & Lee, which is of considerable importance to lessees of mills and machinery. It appears that Messrs. Mawson & Lee, as trustees under a marriage settlement, demised on lease a mill and machinery to Messrs. Baxter, Thornton, & Galloway. Subsequently the lessees became bankrupt, and the assignees seized the machinery in question, contending that it was in the order and disposition of the Court of Bankruptcy. The lessors disputed the right to seize, and the case was referred by consent to Mr. Kemplay, barrister, who has decided against the assignees, on the ground that the machinery was not in the order and disposition of the Court. The effect of this decision is, to secure the machinery in a mill to the lessor, though the lessee may become bankrupt.

*Removal of the West Riding Magisterial Business to the Town Hall.*—On Tuesday, the West Riding magistrates sat for the first time in their new court, at the Town Hall. A large and commodious room, on the second story, has been provided for the transaction of the business of the West Riding in petty sessions, and an elegantly fitted-up retiring room has been prepared for the magistrates. The magistrates present, on taking their seats on the bench, were congratulated by Mr. Grainger on entering upon their new and commodious room, who expressed a hope that they would long have health and be able to administer justice in that court. On behalf of the profession to which he belonged, Mr. Grainger assured the bench that they felt highly gratified at the uniform courtesy and gentlemanly conduct which they had received, and he trusted that their connection at the new court would be as long and satisfactory as it had been at the old. The chairman thanked Mr. Grainger for his kind expressions; and for himself, he could say truthfully that he had always derived great satisfaction from having the assistance of gentlemen of the legal profession, and he hoped the harmony which had hitherto existed would long be continued. It had also been a source of great happiness to him to know that during the whole of the time he had sat on that bench he had never had any unkind words with his brother magistrates, and he trusted that so long as he continued in that position, the same harmony would exist.—*Leeds Mercury.*

LIVERPOOL.—The commission for this town was opened on Saturday last. The calendar of prisoners is considered a light one and below the average number, which is not regarded as a true indication of the state of crime in this county, owing, it is greatly feared, to the operation of the late Treasury order, reducing the scale of fees payable to witnesses in criminal cases. At York it was generally talked of that above a score of offences, which were known to have been committed in Leeds, could not be brought home to the criminals, because witnesses held back, and prosecutors refused to prosecute, deterred by the expense to which they would be put over and above the Treasury allowance. It was said that the offenders in three garotte robberies at Sheffield were known, but could not be brought to justice for the same reason. This state of things, if allowed to continue, must be productive of the worst consequences, alike to the interest of society and the due performance of the police in deterring them from the execution of their duty, in detecting crime and bringing the perpetrators to justice. It is a notorious fact that, in several instances where police officers have exerted all their skill and energy in bringing a felon to justice, they have been rewarded with a scanty allowance, scarcely sufficient to pay for their bed and breakfast.

NEWCASTLE.—Mr. B. B. Blackwell, barrister-at-law, of this town, has been appointed a Commissioner for taking Special Bail in the Courts of Queen's Bench, Common Pleas, and Exchequer.

## Ireland.

DUBLIN, THURSDAY.

### UNANIMITY IN TRIAL BY JURY.—THE TRALEE ASSIZE.

The ample newspaper reports have by this time made every one acquainted with the particulars of the recent trial of one of the persons implicated in the Phœnix conspiracy. The reader of one of those reports would not fail to observe the usual features of a politico-criminal trial in Ireland. All the ordinary dramatis personæ were assembled at Tralee, and performed their parts with credit. There was a large array of Crown counsel, conducting the prosecution with vigour, if not with conciseness. There were the well-disposed witnesses, who saw "overt acts" at enormous distances, and could prove the case in the readiest manner. There was an "approver," who had made up his mind to an obnoxious part, and went through it unabashed, loquacious, and even flippant. Then there were unwilling witnesses, whose answers were cloudy and verbose, enlivened with occasional gleams of laboured facetiousness. There was leading counsel for the defence, of a highly rhetorical turn of mind, brought down "special," with his monster speech full of hits at the Lord Lieutenant, the magistrates, and the constabulary, and of withering abuse of the "approver"—playing to the upper gallery, and loudly applauded on resuming his seat. Finally, there were the couple of obstinate jurors, who, having resolved how to act before the trial began, might as well have been deaf for any effect producible on their minds by the evidence, the judge's charge, or the arguments of their fellow-jurors. These several characters we know well, and have noticed oftentimes before, and always expect to find on similar occasions. The hardship on the ten jurors who were willing to give a verdict according to the evidence, is very great. They probably know before the first day of the trial has ended, exactly how the matter stands; but there is no remedy for it. Day after day must be consumed in going through the prescribed forms. The farce once begun must be regularly played out.

Those gentlemen who, by means of speeches at the Law Amendment Society, and of pamphlets issued from Bell-yard, contend for the preservation of the law requiring unanimity in the jury, should by all means become spectators of a trial, arising out of Phœnix Clubs, or any other subject of popular interest in Ireland; they would, after some observation, come to the conclusion, that a verdict in a case attracting much public attention, or arousing political or local feelings, is the exception. The disagreement of the jury is the rule. The jurors are found to be divided, ten or eleven against two or one; and this division is often to be foretold from the very outset; so that the judge, and the whole paraphernalia of law, will be sometimes occupied for days, or even weeks, in conducting a trial which is fully expected to end in nothing,—in parading proofs before a jury, which includes one or two obstinate and determined individuals, who are resolved, under no possible circumstances, to be convinced.

The judges are so well aware of the futility of expecting a verdict when a "boot-eater" or two happens to be in the jury-box, that they consent to discharge the jury after but a few hours' delay. The ordeal might be continued for days or weeks before any different result would be attained; and it is certain that some one of the majority would first succumb to the influences of cold and starvation. At Tralee we find a doctor called in, who reports that one of the ten was in a state likely to eventuate in fever. It is noticeable that the minority never seems to suffer in this way.

Taking this abortive trial of the Phœnix clubbist as a text whereon to hang a commentary, we may first question the wisdom of denying to jurors, while engaged in deliberation, the common necessaries of life. Cold and hunger and discomfort, so far from proving aids to mental exertion, as the common law

imagined them to be, are apt to bring most men into a state of nervous irritability, very unfavourable to calm consideration of the evidence. Under such treatment, ordinary jurymen lose in a few hours the faculty of either communicating or receiving clear notions of things. They grow discontented with their work, and disgusted with each other. Nor would the kind of unanimity attainable by stress of many hours of discomfort in a jury-room bear any likeness to that community of real opinion and belief which the system theoretically requires. The first change in the law of trial by jury, therefore, should be one which will empower the judge or the sheriff to direct that incarcerated jurors be supplied with the necessaries of life and health within proper limits.

The next point is, that of unanimity, so strongly contested on both sides. For a fixed period it should undoubtedly be required—that is, for such a period as will admit of the evidence being talked over and very fully discussed in the jury-room. Twelve hours might be limited for this purpose; and the judge might, at the end of that period, be authorised to accept the verdict of ten out of twelve. To conciliate old prejudices, founded on the pages of Blackstone and the perorations of Erskine, an exception might be made, in case of every trial for high treason, or for other capital offence. It might shock the national feeling to hear of the extreme penalty of the law awarded on the finding of less than twelve jurors; but in all other cases, the arguments are irresistible for a modification of the law. In answer to the objection, that it is unfair to a prisoner to take away one of his chances of escape, we may observe, that the prisoner has now many more chances of escape than he had in the days of Blackstone. The criminal code is far more merciful. Judges are far more indulgent to the prisoner. He can have the aid of counsel—forbidden to him by the laws which Blackstone eulogised. On the whole, and especially since an absurdly inadequate table of allowances to prosecutors has been invented, the chapter of accidents is now too much in the prisoner's favour; so that there is no unfairness in depriving him of the casual advantage accruing through the ignorance or obstinacy of one of the jurors.

Another change in the law, at least as far as Ireland is concerned, is, we think, shown to be necessary by the result of the Tralee affair. Trials of persons charged with participation in any illegal scheme of widely spread dimensions, ought to be tried in a different county, where there is less chance of partiality in the jury-box, or of intimidation of witnesses. Had the trial in question taken place in the north or west of Ireland, or even in Dublin, the result would probably have been different, and justice would not have been outraged by the refusal of persons produced as witnesses to reply to the questions asked of them. Of course it would be unjust in such a case to burden the prisoner with any extra expenses caused by the change of venue; these should be borne by the public. That, however, is a trifling consideration, compared with the importance of securing impartiality among those sworn to try according to the evidence.

We cannot quit this subject without glancing at the anomalous position occupied by counsel, who are also themselves judges The orator for the prisoner tried at Tralee himself is chairman of Quarter Sessions for another county, and judge of the County Court. Last week he appears in court to defend a prisoner charged with violating the law, and with rare energy and ability conducts a defence, in the course of which, and doing, as every advocate is bound to do, the best for his client, he attacks the executive, from the supreme governor down to the constable, impugns their motives, censures their conduct, and does all in his power to bring the Government into contempt. This week, abandoning the brief, and assuming judicial office, he has the still more important task to perform of expounding and vindicating the law in the most populous county of Ireland. His occupation now is charging juries, and sentencing prisoners. That both functions are ably and honestly performed we doubt not, but they are inconsistent with each other. There may be men who can shine in either position; but public decorum is violated by the attempt to do so.

## Reviews.

*A Letter to the Solicitor-General on the Landed Estates Bill.* London: William Maxwell, Bell-yard. 1859.

This pamphlet seems to us to place some of the objections to the Bills introduced by Sir Hugh Cairns in a simple light, and we extract what appear to us to be the most valuable portions. The author carefully disclaims, in the commencement, any prejudice against improvement of real property law, and any doubt of the Solicitor-General's excellent intentions. He expresses his belief that the majority of those who are most competent to form a judgment believe that the effect of the proposed measures will be to create delay, and to increase expense. He proceeds as follows:—

"On one or two points you are (you will pardon me for saying) perhaps a little to blame. You state in your speech of the 11th of February, on the authority of Mr. Hargreave, that the average time occupied by the Incumbered Estates Court in the sale of land and the distribution of the purchase-money, was fifteen months. It is known to all lawyers conversant with such matters, that the average time between a contract and the completion of a purchase in England, under the present system, does not exceed three months; and that of the exceptional cases which exceed that average, in a considerable proportion the delay proceeds from the fact of the purchaser being unprepared with the purchase-money. It is also known to lawyers, that the Incumbered Estates Court possessed powers favourable to expediting matters, which will not belong to your system. The purpose of that Court was, to effect a compulsory sale of an estate, in cases where, owing to a defective system, the incumbrancer could not, and, owing to his embarrassed condition, the land-owner could not sell; and for that object the Court was armed with the power of converting the interest of persons having claims upon the estate, from land into money; but the object was not that those claims, or any claims, should be summarily barred, as is the case with your scheme, the proceedings under which must be more slowly conducted, since there will be no funds by means of which compensation can be provided, or mistakes corrected. These considerations naturally suggest doubts in the minds of those acquainted with the subject how far the promised gain to arise from your system on the score of expedition will in fact be realised.

"It is, besides, impossible to deny that the effect of your speech was to give an exaggerated notion of the evils at present existing. What you stated was true as applied to exceptional cases; but not true as applied to the general working of the system. On the other hand, you painted the advantages of your plan in glowing colours; but lawyers could not fail to perceive that there were lions in your path, whom you did not slay, and even seemed not to see them. But they were there; and though you were able to pass them by in your speech, they will stand in the way, and must be overcome before your system can be worked.

"Moreover, it is not re-assuring to find that, instead of a great measure, such as you have in hand, having been maturely considered, and deliberately weighed and tested in all its parts, your Bills turn out to be off-hand productions, the clauses and provisions of which shift and vary from day to day. This was not the way in which the Real Property Commission of 1832 handled their Bills; yet, be it observed, none of their Acts involved so many difficulties, or were calculated to produce such important results, for good or for evil, as the measures you have undertaken.

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"My purpose in writing this letter is not to oppose the trial of your system, but to make a suggestion for its being tried with advantage. You must by this time be aware that your plan is viewed with great alarm and distrust by the country solicitors. They object to it, as tending to draw to London business which they conceive can be transacted more advantageously to their clients, as well as to themselves, in the country. In this opposition they are undoubtedly joined by many who on broader grounds object to the measure on account of its centralising tendencies. Why not at once disarm this opposition, by confining your measure in the first instance to the county of Middlesex? You are safe, it seems, from objections on the part of the London solicitors. If your plan be found to work advantageously in Middlesex, you may be sure that all endeavours to prevent its extension to the rest of England will be vain. Show by the example of Middlesex that the system is really capable of working, and of effecting a saving of time and expense, and the voice of the opponents of centralisation, on whatever grounds, will be silenced, and the whole country may be placed under your system with universal assent. If, on the contrary, your system when tried shall prove not to be successful, the disturbance will have been local only, and will be capable of being rectified; and the landowners of the county of Middlesex will be amply compensated for the experiment, by having got rid of their register, an institution which has at all times been wholly useless, and worse than useless, from the trouble and expense it has occasioned—and

which seems to exist only as a monument of the patience with which a nuisance, when it has once been established, will be endured."

*Remarks on the Title to Landed Estates Bill, and the Registry of Landed Estates Bill.* Liverpool: Albion Office.

*The Title to Landed Estates Bills, and the Solicitor-General's Speech, considered.* By F. V. HAWKINS, Esq. London: Maxwell.

The cry is still, They come! The former of these pamphlets emanates from the Liverpool Law Society. Any deliberate opinion by such a society is entitled to respectful consideration. But we must necessarily content ourselves with a very short summary of what is to be found at length in this brochure. They are of opinion that the utility of the Bills will be of a much more limited character than public expectation has anticipated; that an investigation by a judicial tribunal must be more expensive than one by the private practitioner; and that all titles which are now known as safe holding titles, though not strictly marketable, are excluded from the operation of the proposed Acts. They consider that their utility might be increased by permitting the Court to guarantee a title to a certain point, a suggestion of great practical value, to which we hope to see effect given when the Bills come before the House of Lords. Several objections to the Titles Bill are considered, and in part answered. Amongst others which have been started in the pamphlet itself is one to the 72nd section, which exempts the proceedings of the Court from being stayed by injunction from the Court of Chancery. The same objection was put into a resolution and carried at the last meeting of the Law Amendment Society, and certainly deserves the consideration of the Solicitor-General. The Liverpool Society also suggests that a trustee for sale should not be allowed to apply for an indefeasible title under sect. 18, without notice to the cestuis que trust being given. Upon the whole, the tendency of the pamphlet is in favour of the Bills, and the Society does not appear to be very much opposed even to that part of the Registry Bill which proposes a metropolitan register.

Mr. Hawkins's object is to show that the Solicitor-General's scheme, if carried out, will not diminish delay and expense; that all it professes to aim at, is to provide an absolute instead of the reasonably secure title at present attainable; that this step from moral to mathematical certainty can be gained only by sacrificing the rights of third parties, and by accelerating the natural effect of the Statute of Limitations; and finally, that the pecuniary cost of the proceeding must be out of all proportion to the benefits which we expected to flow from it. Mr. Hawkins argues in a very candid manner, and with an evident desire to do justice to the subject. His analysis of the Bills, with a view to their probable working, will be instructive to any one interested in Sir H. Cairns' measure; while the numerous applications to the new court, which it is shown would be necessary under the Bills as they now stand, are sufficient to satisfy the most timid amongst us that lawyers would not suffer very much under the proposed system of indefeasible titles.

*A Practical Treatise on the Law, Privileges, Proceedings, and Usage of Parliament.* By THOMAS ERSKINE MAY, Esq., Barrister-at-Law; Clerk-Assistant to the House of Commons. Fourth Edition. London: Butterworths.

It cannot fail to be interesting to a philosophic mind to inquire into the laws which are enacted by a Legislature for its own government. When they are the growth of centuries, and have resulted from its voluntary action, undisturbed by external influences, they are of the highest value, not only as showing what experience teaches to be necessary for the organisation and conservancy of such bodies, but as being in themselves practical solutions of some political problems which still puzzle the politicians of Continental Europe. M. de Montalembert has said, that he does not envy the man who could approach without emotion "le Palais du Parlement Anglais . . . plus sacré mille fois que celui du Puyx d'Athènes, ou du Forum Romain; car il est depuis mille ans le sanctuaire politique et legislatif d'un peuple chrétien, et le berceau des libertés du monde moderne." No Englishman has ventured to pronounce so high a eulogy upon our English Parliament, though we all feel that truth would not forbid us.

An historical investigation into the laws, privileges, and usage of Parliament, may be twofold. We may either regard the subject from a purely constitutional point of view; or, we may occupy ourselves with ascertaining the various functions and proceedings of Parliament, being content with merely a passing glance at such constitutional lore as is necessary for their elucidation. The latter is the plan adopted by Mr. May. He gives us a preliminary view of the constituent parts of Parliament, with incidental references to their ancient history and constitution; and also some erudite dissertations on such questions as the power and jurisdiction of Parliament collectively, and the rights and powers of each of its constituent parts; as well as an exceedingly interesting and valuable chapter on the jurisdiction of courts of law in matters of privilege. The great value of the work, however, and what best explains the success which has carried it already to the fourth edition, is the abounding information on the practice and proceedings in Parliament which it contains. We cannot express our approval too highly of the methodical arrangement of the portion of the work devoted to this branch of the subject. Considering the great diversity of the matters to be dealt with, Mr. May has shown no little skill and carefulness in the manner in which he has not only divided, but carried out, the details of his difficult undertaking. The result is very satisfactory to the professional reader, who is generally compelled to consult text-books under pressure of time; for the subject-matter is so clearly and logically arranged that, even without the aid of the index, one can always lay his finger in a moment upon the information which he requires. We remark upon this feature of the book, because its consideration is naturally suggested by a fourth edition, and we strongly recommend to intending authors, who hope to be equally successful, to pay as much attention to the division and subdivision of their subjects, so that when repeated editions come to be made, they may not disfigure and obscure the original design, and make convenient references next to impossible.

All the important decisions of either House upon matters relating to its own constitution and procedure, which have been come to since the former edition, have been carefully noted, and are accurately stated in the present edition. We may instance the case of Mr. Townsend's bankruptcy, the question relating to the capacity of Government loan contractors to sit in the House of Commons, and the various phases of the Jewish Oaths controversy, in one House; and in the other, the decision of the Lords on the part of a life peerage to Lord Wensleydale. We have also observed that many of the decisions of the late Speaker, of which Mr. Bourke a short time since published a collection, are incorporated into the text. Indeed, the only question upon this point is, whether a larger use might not have been made of these decisions. Any member of Parliament, however, will find, as a rule, all that he wants in Mr. May's Practical Treatise. Members of our profession who consult the book for practical purposes will be most interested by the 120 pages which are devoted to an account of the manner of passing private Bills. No solicitor who has, or desires, Parliamentary practice should omit to read at least so much of this treatise.

## Societies and Institutions.

### LAW AMENDMENT SOCIETY.

The discussion on Mr. E. Webster's paper on the Solicitor-General's Landed Estates Bill and Registry of Landed Estates Bill was resumed on Monday last.

Mr. E. WEBSTER moved, "That the transfer or mortgage of registered land ought to be effected in county or district registries." The ancient mode of conveying land in this country was by feoffment on the spot, and in copyhold conveyances the method was still local. Such seemed to be the natural course in dealing with such a subject as land. The arguments in favour of local registries were unanswerable. The expense of transferring land, if there were a metropolitan registry only, would be much greater than under the local system; and, though where the lands to be conveyed lay in different counties, the expense might be less under a metropolitan system, yet cases of this kind would only form a very small minority. The number of conveyances throughout the country were very great, and the inconvenience of having everything done in a metropolitan registry would be enormous.

Mr. JOSEPH WARE thought it would be found impossible in practice to have a metropolitan registry only. Under such a system it would be difficult to settle purchases in the country, as no one could sign the conveyance, with confidence that no caveat had been entered, unless immediately after examining the register. Under the new system of registration, the whole of the land in this country would be cut up into small pieces, and the number of transactions would be vastly increased. It

would be impossible, therefore, to have an office large enough for the purpose.

Mr. J. N. HIGGINS seconded the motion. He was opposed to a combination of local and metropolitan registries. He thought it should be either one thing or the other. He was, however, very strongly in favour of local registries.

The CHAIRMAN did not consider the grounds assigned in favour of a local registry as satisfactory. The old practice of feoffments had so completely gone by, having been found inconvenient, that no authority in favour of the local system was to be derived from it. With regard to expense, it would be increased where the land lay in more counties than one; but that might be counterbalanced by the saving in other cases. The point, however, was, that the management of the registry office would be one of great difficulty, considering the importance given to its operations; and it would be necessary, therefore, to have officers of great experience. It would be impossible—unless at enormous expense—to provide such for every county in the kingdom. And it was on this ground that he thought that, in this case, centralization would be better than localization.

Mr. E. WEBSTER, in reply, stated, that he considered Mr. Ware's view with regard to the division of estates as chimerical, although he agreed with him in thinking that a metropolitan registry would be attended with many evils. As to what fell from the Chairman, he thought that the method of registration and transfer might be so simplified that there would be no difficulty in any man of fair ability and ordinary knowledge acting as registrar.

The motion was then put and carried.

Mr. J. N. HIGGINS moved, "That, inasmuch as questions of equitable relief must be generally the subjects of cautions and inhibitions in the new court, the Court of Chancery should decide them." It was proposed that the judges of the new court should be conveyancers, and not equity lawyers, and they would, therefore, be incompetent to decide many of the questions that would arise.

Mr. J. WARE seconded the motion.

Mr. E. WEBSTER supported the motion.

The CHAIRMAN was in favour of the motion for the reason already stated; and also, he would venture to say, on account of the obscurity of the Bills, as it would require all the astuteness of the equity judges to interpret many of the provisions.

The motion was then put and carried.

Mr. Serjeant WOOLRYCH withdrew the motion on the unanimity of juries, of which he had given notice.

The society then adjourned to Monday, the 4th April, at 8 o'clock.

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THE BRITISH MUSEUM.—The Queen has been pleased to exercise her right to appoint one royal trustee for the British Museum in favour of the Rev. William Cureton, Canon of Westminster, and Rector of St. Margaret's. We believe that no royal trustee for that institution has been appointed since the death of the late Duke of Cambridge, and the appointment in the present instance will be hailed with satisfaction by the literary world as a recognition by her Majesty of the eminent services which Mr. Cureton has rendered to the science of Biblical criticism, and which have secured for him an European reputation.

A DIVORCE EPIDEMIC.—The *Pittsburg* (U.S.) *Gazette* says:—"Judge M'Clure took occasion to refer to the increasing number of applications for divorce that came before him. He says there is hardly a Saturday, at least, when he does not carry home a pocket full of depositions in cases which are absolutely too outrageous and disgusting to be called up before the Court. The detail of all these scandalous matters the judge is obliged to wade through, and oftentimes proof is so overwhelming that the Court is forced by a sense of duty to grant a decree of divorce. The very worst of it is, too, that either one or the other, or both, of the parties enter again into a new marriage contract within a week after they are off with the old, and one which, in nine out of ten cases, will result as the former one did. Thus *two* prospective divorces are begotten of the former *one*. This is outrageous. One gentleman of the bar stated to us, that, in a case that came under his own notice, the woman, who had procured the decree on Saturday, was married again on the very next day. This has become an evil so crying, that Judge M'Clure gave out his intention to refuse the decree in any and every case where there was a technical or other possible and legal excuse."

## Court Papers.

### Court of Chancery.

CHANCERY VACATION NOTICE.

During the Easter Vacation, 1859, the Chambers of the Vice-Chancellor, Sir John Stuart, will be open on the following days; viz. on the 31st of March, and the 1st, 5th, 6th, 7th, and 8th of April, 1859, from 11 till 1, to dispose of applications for time.

## Births, Marriages, and Deaths.

BIRTH.

TOULMIN—On Mar. 19, at 20 Montpelier-row, Blackheath, the wife of Samuel Simpson Toulmin, Esq., of a son.

MARRIAGES.

ATTER—MORLAND—On Mar. 19, at St. George's, Hanover-square, by the Rev. T. Sier, D.C.L., Oxon, vicar of Ravensden, James Atter, Esq., Stamford, to Mary Agnes, youngest surviving daughter of John Morland, Esq., Barrister-at-Law, and first cousin of the present Countess of Bective.

DIXON—ELLIS—On Mar 23, at St. Saviour's, Maida-hill, by the Rev. Lawford W. T. Dale, vicar of Chiswick, Robert Dixon, Esq., eldest son of the late Robert Dixon, Esq, Barrister-at-Law, to Julia Louisa, youngest daughter of the late Captain George Ellis, of the Bengal Artillery.

TYRWHITT—PETERSON—On Mar. 18, at the Embassy, Brussels, by the Rev. G. P. Keogh, chaplain, the Rev. Richard E. Tyrwhitt, third son of the late R. Tyrwhitt, Recorder of Chester, to Elizabeth Hester, eldest daughter of A. Peterson, Esq., of Jemelle and Menil, in the Ardennes, Belgium.

DEATHS.

CHEYNE—On Mar. 11, at Bonn, Prussia, aged 55, Anne, the wife of John Cheyne, formerly of Liverpool, Solicitor, and youngest daughter of the late Alderman Bennett, of Chester.

COOKE—On Mar. 22, at 2 Tavizon-street, Gordon-square, Miss Frances Cooke, sister of Edward Cooke, Esq., Judge of County Courts.

GOOSE—On Mar. 15, at Croydon, John Goose, Esq., Solicitor, aged 50.

GOSTLING—On Mar. 13, at Whitton-park, Middlesex, aged 79, Lydia, eldest daughter of the late George Gostling, Esq., Admiralty Proctor.

LANGDON—On Mar. 21, at Chard, Somerset, William Spicer Langdon, Esq., aged 34.

MAULE—On Mar. 11, suddenly, at 15 Princess-terrace, Hyde-park South, Caroline, widow of the late George Maule, Esq., Solicitor for the affairs of her Majesty's Treasury.

M'DUFF—On Mar. 23, Charles M'Duff, Esq., Solicitor, of 37 Castle-street, Holborn, aged 59.

MOORE—On Mar. 21, at 35 Montague-place, Russell-square, Henrietta George, wife of Charles H. Moore, Esq., aged 31.

NEVILL—On Mar. 11, suddenly, Jane, the wife of R. D. Nevill, Esq., Solicitor, of Wellington, Salop.

PRENDERGAST—On Mar. 20, at Highgate-rise, after a short illness, Michael Prendergast, Esq., Q.C., Recorder of Norwich and Judge of the Sheriffs' Court, London.

## Unclaimed Stock in the Bank of England.

*The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—*

BACON, WILLIAM, Gent., Tottenham-court-road, £50 Consols.—Claimed by WILLIAM BACON.

COLE, JAMES, CHARLES KING, & EDWARD STROUD, Esqrs., all of Abingdon, One Dividend on £4200 New 3½ per Cents.—Claimed by CHARLES LAYTON, surviving executor of Edward Stroud.

ELRINGTON, JAMES LOFTUS, Esq., of the Tower of London, One Dividend on £2000 New 3½ per Cents.—Claimed by Rev. JOHN EVANS, the administrator de bonis non.

HILLS, MARY, wife of George Hills, Farmer, Eastling, Kent, ELIZABETH WHITEFIELD, wife of Thomas Whitefield, Gent., Kingsland-road, and HENRY COULTER, Yeoman, Duddington, Kent, £3 Long Annuities.—Claimed by ANN SKILTON, Widow, sole executrix of Mary Hills.

MARSACK, CHARLES, Esq., Caversham-park, Berks, One Dividend on £6000 Imperial 3 per Cents.—Claimed by LOUISA LOVEGROVE, wife of Thomas Lovegrove, administratrix, with will annexed, de bonis non.

TAYLOR, Rev. GEORGE, D.C.L., Dedham, Essex, and WILLIAM DOWNES, Esq., Dedham, Essex, One Dividend on £1714 : 17 : 7 3½ per Cents.—Claimed by GEORGE TAYLOR.

WATTS, SARAH, Widow, Bermondsey-terrace, £300 New 3 per Cents.—Claimed by MARY ANN MATTERSS, Spinster, the acting executrix.

## Heirs at Law and Next of Kin.

*Advertised for in the* London Gazette *and elsewhere during the Week.*

DIX, CHRISTOPHER, Mercantile Clerk, 10 Claremont-row, Barnsbury-rd. Islington (who died on or about Dec. 21, 1857). Banting, jun. v. Baldwin, V. C. Kindersley. *Last Day for Proof*, April 25.

## Estate Exchange Report.

*(For the week ending March 19th, 1859.)*

AT THE MART.—BY MESSRS. MOORE & TEMPLE.

Leasehold Ground-rents, producing £71 : 10 : 0 per annum, arising from nine houses, Devonshire-street, Lisson-grove, Paddington, and three houses, Exeter-street; term, 99 years, from March, 1816, at a peppercorn.—Sold for £1200.

Leasehold, three Houses and Shops, No. 81, 82, & 83, Friar-street, and 5 Dwelling-houses, Nos. 1 to 5, Union-street, Blackfriars-road; held for an unexpired term of 26½ years; ground-rent, £55 per annum; let at £330 : 4 : 0 per annum.—Sold for £735.

Leasehold Houses, Nos. 1 to 7, Young's-buildings, Whitecross-street, Borough; held for 94 years, from June, 1855; ground rent, £30; 15 0 per annum; let at £103 : 14 : 0 per annum.—Sold for £290.

Freehold House, No. 2, Neptune-street, Rotherhithe; let at £16 per annum.—Sold for £185.

Freehold, ten acres of Building Land, Clapham-rise, on the north side of the Clapham-road, with the residences, cottages, &c., thereon; was put up at the set price of £10,000, but no advance having been made it was withdrawn.

By Mr. LEIPCHILD

Badgemore Farm, near Henley-on-Thames.—Sold for £3800, and £500 for the timber.

Freehold, Kearsney-court and Whitfield Farms, near Dover, residences, &c., and 357 acres.—Sold for £10,250, and £1650 for the timber.

Freehold, Bedhampton, Upper Park Farm, near Havant, comprising 458 acres of meadow, pasture, arable, and wood land.—Sold for £7000, and 1483: 10: 0 for the timber.

Freehold, Greenhurst and Knoll Farms, near Dorking, Surrey.—Sold for £3850, and the timber £2000.

Freehold, Garrett's and Holebrook's Farms, near Dorking.—Sold for £2720, and £800 for the timber.

Freehold Land, Bucking-hill, 30A. 26P.—Sold for £1150, including timber.

East Kent Railway, 40 preference shares, £25 each (£17: 10: 0 paid).—Sold at £14 per share.

By Messrs. FOSTER.

Freehold Business Premises, No. 395, Oxford-street; let on lease, at £300 per annum.—Sold for £7050.

Fourth Share, or part of the produce of a Mortgage Debt of £15,350, and of a Dwelling-house, No. 10, Huntley-street, Tottenham-court-road.—Sold for £1050.

Leasehold House, with offices on the ground-floor, No. 45, Pall-mall; term, 43 years from Lady-day, 1859; ground-rent, £156 per annum; let at £400 per annum.—Sold for £1670.

Leasehold House and Butcher's Shop, No. 1, Munster-street; and Three Dwelling-houses and Shops, Frederick-street, Regent's-park; term, 97¼ years from December, 1824; ground-rent, £34 per annum; let on lease, and producing £171: 16: 0 per annum.—Sold for £1340 (in four lots).

Leasehold Dwelling-houses and Shops, Nos. 5 & 6, Great Chapel-street, Oxford-street; also a range of Workshops, Great Chapel-street; held for 99 years, from June, 1826; ground-rent, £110 per annum; let on lease, at £195 per annum.—Sold for £720.

Leasehold House and Shop, No. 48, High-street, Portland Town; term, 81 years from October, 1820; ground-rent, £4 per annum; let on lease for 60 years from Christmas, 1824, at an annual rent of £28.—Sold for £335.

By Mr. G. BERRY.

Leasehold House, No. 46, Smith-street, King's-road, Chelsea; term, 93 years from Michaelmas, 1802; ground-rent, £4: 10: 0 per annum; estimated annual value, £35.—Sold for £315.

Leasehold Set of Chambers, No. 19, Buckingham-street, Strand, comprising 6 rooms on the first floor; held for 35 years, at the rent of £7 per annum; let at £55 per annum.—Sold for £355.

Leasehold Set of Chambers, comprising 4 rooms, No. 1, James-street, Adelphi; held for an unexpired term of 8 years from Lady-day, 1859, at a ground-rent of £7 per annum; let for the whole term at an annual rent of £30.—Sold for £80.

By Mr. E. ROBINS.

Net Improved Ground-rent, of £12 per annum, secured on No. 6, Chesterplace, Regent's-park; term, 66 years from April next.—Sold for £240.

Net Improved, Ground-rent, of £53 per annum, secured on Nos. 7 & 8, Chester-place; same term.—Sold for £1010.

By Mr. C. POCH.

Leasehold Premises, comprising Dwelling-house, Manufactory, &c., No. 176, Long-lane, Bermondsey; let on lease at £135 per annum; also a Leasehold Plot of Ground, with House and Buildings thereon, No. 4, Winter's-square; term, 30 years from Lady Day next; ground-rent, £3 per annum; let at £16 per annum.—Sold for £2660.

Freehold Plot of Building Ground, Wood-green, Hornsey.—Sold for £50.

By Mr. BRAY, Jun.

Leasehold House and Shop, No. 4, New-street, Dorset-square, and a Cottage in the rear; let at £113 per annum; term, 42½ years from Christmas, 1858; ground-rent, £12: 12: 0.—Sold for £790.

Leasehold Residence, No. 4, Grange-road, Stoke Newington; let at £42 per annum; term, 99 years from Midsummer, 1846; ground-rent, £5.—Sold for £410.

Leasehold Residence, No. 5, Grange-road; let at £40 per annum; same term and ground-rent as No. 4.—Sold for £370.

At GARRAWAY'S.—By Messrs. CRAWTER.

The next presentation to the Vicarage of Mitcham, Surrey; estimated gross annual value, £670.—Sold for £2750.

Freehold Residence, No. 98, Grove-road, St. John's-wood; let at £65 per annum.—Sold for £1020.

Freehold Cottage, Buildings, and Land, in all 9a. 10r. 22p.; situate at Yiewsley, Hillingdon, Middlesex; let at £30 per annum.—Sold for £1030.

By Messrs. FAREBROTHER, CLARKE, & LYE.

The second portion of the Stockwell Estate, Freehold House and Shop, No. 8, Union-place, Clapham-rise; let on lease at £35 per annum.—Sold for £555.

Freehold House and Shop, No. 7, Union-place; let on lease at £30 per annum.—Sold for £535.

Freehold House and Shop, No. 6, Union-place; let on lease at £28 per annum.—Sold for £505.

Freehold House and Shop, Nos. 4 & 5, Union-place; let on lease at £50 per annum.—Sold for £1155.

Freehold House and Shop, No. 3, Union-place; let on lease at £28 per annum.—Sold for £535.

Freehold House and Shop, No. 2, Union-place; let on lease at £28 per annum.—Sold for £490.

Freehold, "The Coach and Horses" beershop, No. 1, Union-place; let at £50 per annum.—Sold for £1175.

Two Residences and Premises, and a Plot of Land in the rear, situate at the corner of Union-road and the Clapham High-road; the houses are let at £45 each per annum; the land is in hand.—Sold for £2700.

Freehold, Eleven Tenements (3 with shops), Union-road; let on lease at £55 per annum.—Sold for £1060.

Freehold Residence, Lawn-villa, Clapham-rise; annual value, £50.—Sold for £1350.

Freehold Residence, No. 11, Trafalgar-place, Clapham-rise; let on lease at £33 per annum.—Sold for £700.

Freehold House and Premises, No. 10, Trafalgar-place; let on lease at £35 per annum.—Sold for £680.

Freehold Residence, Hampshire-cottage, Clapham-rise; annual value, £30.—Sold for £555.

Freehold Residence, No. 8, Trafalgar-place; estimated annual value, £120.—Sold for £1710.

Freehold Residence, No. 5, Trafalgar-place; let on lease at £42 per annum.—Sold for £820.

Freehold Residence, No. 4, Trafalgar-place; let on lease at £30 per annum.—Sold for £680.

Freehold Residence, No. 3, Trafalgar-place; let on lease at £27 per annum.—Sold for £635.

Freehold Residence, No. 2, Trafalgar-place, Clapham-rise; let on lease at £50 per annum.—Sold for £990.

Freehold Residence, No. 1, Trafalgar-place; estimated annual value, £55.—Sold for £1060.

Freehold Residences, Nos. 8 & 9, Fonthill-place, Clapham-road; let on lease at £60 per annum.—Sold for £1325.

Freehold Residence, No. 7, Fonthill-place; and House and Shop, No. 6, Fonthill-place; let on lease at £56 per annum.—Sold for £1200.

Freehold House and Shop, No. 5, Fonthill-place; let on lease at 30 guineas per annum.—Sold for £710.

Freehold House and Shop, No. 4, Fonthill-place; let at £45 per annum.—Sold for £1025.

Freehold Residence, No. 3, Fonthill-place; let on lease at £24 per annum.—Sold for £660.

Freehold Residences, Nos. 1 & 2, Fonthill-place; let on lease at £60 per annum.—Sold for £1330.

Freehold Cottage and Dairy, Paradise-road, Clapham-road; let at £14 per annum.—Sold for £310.

Freehold Residence, No. 1, Paradise-road; let on lease at £14 per annum.—Sold for £480.

Freehold Cottage, of 4 rooms, No. 2, Paradise-road; let at £15: 12: 0 per annum.—Sold for £165.

Freehold Cottages, Nos. 3 & 4, Paradise-road, let at £36: 8: 0 per annum.—Sold for £305.

Freehold Cottages, Nos. 5 & 6, Paradise-road, let at £35: 12: 0 per annum.—Sold for £300.

Freehold Cottages, Nos. 7 & 8, Paradise-place, let at £28: 4: 0 per annum.—Sold for £335.

Freehold Cottage, No. 9, Paradise-place, let at £17 per annum.—Sold for £205.

Freehold House & Shop, No. 10, Paradise-place, let at £16 per annum.—Sold for £230.

Freehold Residence, No. 11, Paradise-place, let at £20 per annum.—Sold for £320.

Freehold Cottages, Nos. 12 & 13, Paradise-place, let at £31: 4: 0 per annum.—Sold for £340.

Freehold Cottages, Nos. 14 & 15, Paradise-place, let at £37 per annum.—Sold for £335.

Freehold House, No. 16, Paradise-place, let at £18: 4: 0 per annum.—Sold for £170.

Freehold House, No. 17, Paradise-place, let at £15: 12: 0 per annum.—Sold for £170.

Freehold Houses & Shops, Nos. 18 & 19, Paradise-place, let at £39: 14: 0 per annum.—Sold for £370.

Freehold Plot of Building Land & Cottages thereon, Nos. 20 & 21, Paradise-road, the cottages let at £47: 8: 0 per annum.—Sold for £600.

Freehold Cottage Residence, No. 22, Paradise-road, let on lease at £14 per annum.—Sold for £230.

Freehold Cottage Residence, No. 23, Paradise-road, let at £16: 18: 0 per annum.—Sold for £190.

Freehold Residences, Nos. 24 & 25, Paradise-road, let at £32 per annum.—Sold for £385.

Freehold Residences, Nos. 26 & 27, Paradise-road, let at £30: 18: 0 per annum.—Sold for £405.

## English Funds.

| ENGLISH FUNDS. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Bank Stock ..... | Shut. | .. | Shut. | Shut. | .. | Shut. |
| 3 per Cent. Red. Ann... | Shut. | .. | Shut. | Shut. | .. | Shut. |
| 3 per Cent. Cons. Ann... | 96¼ 6½ | 96⅝ ⅜ | 96¼ ⅜ ½ | 96¼ | 96¼ | 96¼ ⅜ |
| New 3 per Cent. Ann... | .. | .. | .. | .. | Shut. | Shut. |
| New 3¼ per Cent. Ann. | .. | .. | .. | Shut. | .. | .. |
| Long Ann. (exp. Jan. 5, 1860) ..... | Shut. | Shut. | Shut. | Shut. | Shut. | Shut. |
| Do. 30 years (exp. Jan. 5, 1860) ..... | Shut. | Shut. | Shut. | Shut. | Shut. | Shut. |
| Do. 30 years (exp. Jan. 5, 1860) ..... | .. | .. | .. | .. | .. | .. |
| Do. 30 years (exp. Apr. 5, 1885) ..... | Shut. | Shut. | Shut. | Shut. | Shut. | .. |
| India Stock..... | .. | .. | .. | .. | 221 | 219 21½ |
| India Loan Debentures.. | 98⅝ | 98⅝ ⅞ | 98⅝ | 98⅝ | 98⅝ ⅞ | 98⅝ ⅞ |
| India Scrip, Second Issue | .. | .. | .. | .. | .. | .. |
| India Bonds (£1,000) .. | 14s p | .. | .. | 14s p | 16s p | 13s 15s p |
| Do. (under £1000) ..... | .. | 14s 16s p | 18s p | .. | 17s p | .. |
| Exch. Bills (£1000) Mar. | 33s 36s p | 37s 34s p | 34s 36s p | 33s 36s p | 33s p | 33s 36s p |
| Ditto June.... | .. | .. | .. | .. | .. | .. |
| Exch. Bills (£500) Mar. | .. | .. | .. | .. | 36s 33s p | 33s 36s p |
| Ditto June.... | .. | .. | .. | .. | .. | .. |
| Exch. Bills (Small) Mar. | .. | .. | 35s p | .. | 36s 33s p | 35s 36s p |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Do. (Advertised) Mar. | .. | .. | .. | .. | .. | .. |
| Ditto June | .. | .. | .. | .. | .. | .. |
| Exch. Bonds, 1858, 3½ per Cent. ..... | .. | .. | 100½ | .. | .. | .. |
| Exch. Bonds, 1860, 3½ per Cent. ..... | .. | .. | .. | 100 | .. | .. |

## Railway Stock.

| RAILWAYS. | Sat. | Mon. | Tues. | Wed. | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Birk. Lan. & Ch. Junc. | .. | .. | .. | .. | .. | .. |
| Bristol and Exeter .... | .. | .. | 93½ | 93½ | .. | 93½ |
| Caledonian ..... | 85 | 85½ ½ | 84¾ | 84½ | 85 | 84½ ½ |
| Chester and Holyhead .. | .. | .. | 50 49½ | .. | .. | .. |
| East Anglian ..... | 16½ | .. | 16½ | .. | .. | .. |
| Eastern Counties ..... | 60½ ½ ½ | 61½ | 60½ | 60½ ½ | 60½ | 60½ ½ |
| Eastern Union A. Stock. | .. | 46½ | .. | .. | .. | .. |
| Ditto B. Stock .... | 30½ | .. | .. | .. | .. | .. |
| East Lancashire ..... | .. | 93½ | .. | 93½ 2½ | 93 | 93½ 3 |
| Edinburgh and Glasgow | 73½ | 73 | .. | .. | 73½ | 73½ |
| Edin. Perth, and Dundee | 27 | 27 ½ | 27 ½ ½ | .. | .. | .. |
| Glasgow & South-Westn. | 94½ | .. | .. | .. | .. | .. |
| Great Northern ..... | 103½ | 103½ ½ | 103 ½ ½ | 101½ ½ | 103½ | 103½ ½ |
| Ditto A Stock .... | .. | 89 | 89½ 90 | 89½ | 89 | 89½ 8 |
| Ditto B. Stock .... | .. | .. | .. | .. | .. | 132½ 3 |
| Gt. South & West. (Ire.) | .. | .. | .. | .. | .. | .. |
| Great Western ..... | 58½ ½ | 59½ ½ | 60 59 | 59½ 9 | 59½ | 59½ 9 |
| Do. Stour Vly. G. Stk. | .. | .. | .. | .. | .. | .. |
| Lancashire & Yorkshire | 95½ ½ ½ | 96½ ½ | 96½ | 95½ ½ | 95½ | 95½ ½ |
| Lon. Brighton & S. Coast | .. | 112 ½ ½ | 113 | 113½ | 112½ | 113 12½ |
| London & North-Wstrn.. | 95½ 5 | 96½ ½ | 96½ ½ | 95½ ½ | 95½ | 95½ ½ |
| London & South-Westrn. | .. | 93½ ½ | 94 3½ | 93½ | 93½ | 93½ ½ |
| Man. Sheff. & Lincoln.. | 38 7½ | 38½ ½ 9 | 38½ 9 | 38½ ½ | 38½ | 38½ ½ |
| Midland ..... | 101½ ½ | 102½ ½ | 102½ | 102½ ½ | 102½ | 102½ ½ |
| Ditto Birm. & Derby | .. | 77 | .. | .. | 76½ | 76½ |
| Norfolk ..... | 61½ | 60½ | .. | .. | .. | .. |
| North British ..... | 59½ | .. | 61¼ 1 | 60½ ½ | 60½ | 60½ ½ |
| North-Eastern (Brwck.) | 92½ 2 | 93 2½ | 93½ ½ | 93½ 3 | 92½ | 93½ 2½ |
| Ditto Leeds ..... | 46½ | 47½ ½ | 47½ 7 | .. | 47½ | 47½ |
| Ditto York ..... | 77 6½ | 77½ | 77½ ½ | 77½ | 77 | 77½ 6½ |
| North London ..... | .. | .. | .. | .. | .. | .. |
| Oxford, Worc. & Wolver. | .. | 33½ ½ | 33½ | 34 3½ | 34 | 34½ |
| Scottish Central ..... | .. | .. | 110 | .. | .. | .. |
| Scot. N.E. Aberdeen Stk. | 26½ | .. | .. | .. | .. | .. |
| Do. Scotsh. Mid. Stk. | .. | .. | .. | .. | .. | .. |
| Shropshire Union ..... | .. | .. | .. | .. | .. | .. |
| South Devon ..... | .. | .. | .. | .. | 39½ | 39½ |
| South-Eastern ..... | 71 | 71 ½ ½ | 71½ ½ | 71 | .. | 71 70½ |
| South Wales ..... | 64 | .. | .. | 65 | 65½ | 65½ |
| Vale of Neath ..... | 68½ | .. | .. | 68 | 66½ | 68 7½ |

## Insurance Companies.

| | PAID. | PER SHARE. |
|---|---|---|
| Equity and Law ..... | £5 19 10 | .. |
| English and Scottish Law Life .... | 3 5 0 | .. |
| Law Fire ..... | 2 10 0 | .. |
| Law Life ..... | 10 0 0 | .. |
| Law Reversionary Interest..... | .. | .. |
| Legal and General Life ..... | 6 9 0 | .. |
| London and Provincial Law ..... | 3 12 6 | .. |

# London Gazettes.

## New Member of Parliament.

FRIDAY, *Mar.* 25, 1859.

BOROUGH OF HARWICH.—Henry Jervis White Jervis, Esq., *vice* John Bagshaw, Esq.

## Commissioner to administer Oaths in Chancery.

TUESDAY, *Mar.* 22, 1859.

THOMPSON, SAMUEL SHEPHERD, Gent., Kingston-upon-Hull.

## Bankrupts.

TUESDAY, *Mar.* 22, 1859.

BRETTELL, THOMAS POOL, Grocer, Walsall. *Com.* Sanders: April 8 & 28, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Barnett & Marlow, Walsall. *Pet.* Mar. 14.

CHADWICK, WILLIAM, Dyer, Leeds. *Com.* West: April 1 & 29, at 11; Leeds. *Off. Ass.* Young. *Sols.* J. & H. Richardson & Gaunt, Leeds. *Pet.* Mar. 19.

CHILTON, JOHN, Tailor, Sheffield. *Com.* West: April 2, and May 7, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Ryalls, Sheffield. *Pet.* Mar. 15.

CHITTENDEN, JOHN FRANKS, Surgeon, 1 St. John's Park-villas, Upper Holloway. *Com.* Fane: April 1, at 12.30; and May 6, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Sydney & Son, 46 Finsbury-circus. *Pet.* Mar. 21.

COCKSHAW, SAMUEL, Printer, 6 Horse-shoe-ct., Ludgate-hill. *Com.* Evans: Mar. 31, at 11; and April 28, at 2; Basinghall-st. *Off. Ass.* Bell. *Sols.* Lawrance, Plews, & Co., Old Jewry-chambers. *Pet.* Mar. 19.

HELLIWELL, THOMAS, Innkeeper, Hipperholme, Halifax. *Com.* Ayrton: April 5 (omitted in *Gazette* of Mar. 18), at 11.30; and May 3, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Bennett, Halifax; or Bond & Barwick, Leeds. *Pet.* Mar. 16.

HUNT, HENRY, Chemist, 1 St. George's-ter., Islington. *Com.* Holroyd: April 5, at 1; and May 3, at 2; Basinghall-st. *Off. Ass.* Edwards. *Sol.* Hodgkinson, 17 Little Tower-st. *Pet.* Mar. 18.

JENNENS, AARON, & JOHN BETTERIDGE, Papier Maché Manufacturers, Birmingham. *Com.* Sanders: April 13 and May 11, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Beale & Marigold, Birmingham. *Pet.* Mar. 19.

JONES, WILLIAM, Coal Merchant, Isleworth. *Com.* Fane: April 1 at 12; and 29, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Chidley, 10 Basinghall-st. *Pet.* Mar. 18.

PETTIT, JAMES, Carrier, 9 Bowling-green-row, Woolwich, formerly of 19 Charles-st., Woolwich. *Com.* Goulburn: April 4, at 1.30; and May 6, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Buchanan, 13 Basinghall-st. *Pet.* Mar. 18.

SHIRTCLIFF, JOHN, Boot & Shoe Maker, Worksop, Nottinghamshire. *Com.* West: April 2 and May 7, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Clough, Worksop; or Fretson, Sheffield. *Pet.* Mar. 11.

FRIDAY, *Mar.* 25, 1859.

CALKIN, JAMES, Draper, Rothbury, Northumberland. *Com.* Ellison: April 4, at 12; and May 5, at 1; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Hodge & Harle, Newcastle-upon-Tyne. *Pet.* Mar. 8.

LEAKE, THOMAS, jun., Upholsterer, Nottingham. *Com.* Sanders: April 12 and May 3, at 11; Nottingham. *Off. Ass.* Harris. *Sols.* Ashurst, Son, & Morris, Old Jewry; or Bowley & Ashwell, Nottingham. *Pet.* Mar. 8.

MUNKENBECK, JOHN BERNARD, Tailor, West Hartlepool. *Com.* Ellison: April 4, at 12.30; and May 5, at 1.30; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Hodgson & Todd, Hartlepool; or Hodge & Harle, Newcastle-upon-Tyne. *Pet.* Mar. 18.

REDWOOD, JOSEPH, Apothecary, Charminster, Dorchester. *Com.* Andrews: April 7, and May 3, at 11; Exeter. *Off. Ass.* Hirtzel. *Sols.* Manfield & Andrews, Dorchester; or Stogdon, Exeter. *Pet.* Mar. 23.

REED, JOHN WEBBER, Grocer, Ottery St. Mary. *Com.* Andrews: April 7, and May 3, at 11; Exeter. *Off. Ass.* Hirtzel. *Sol.* Daw, Exeter. *Pet.* Mar. 21.

ROGERS, HENRY JAMES VANZOELEN, ALFRED GLADSTONE, & EDWARD CALLOW, Shipowners, 24 Billiter-st. (petition dismissed as to HENRY JAMES VANZOELEN ROGERS & ALFRED GLADSTONE). *Com.* Fane: April 8, at 11; and May 6, at 11.30; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Selby, 3 King's Arms-yard, Coleman-st. *Pet.* Mar. 21.

ROGERS, HENRY JAMES VANZOELEN, & ALFRED GLADSTONE, Ship & Insurance Brokers, 24 Billiter-st. (Rogers, Gladstone, & Co.) *Com.* Fane: April 8, at 11; and May 6, at 11.30; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Linklater & Hackwood, 7 Walbrook. *Pet. for arrgt.* Feb. 26.

WHITE, JOHN, Joiner, Leicester. *Com.* Sanders: April 12 and May 3, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Haxby, Leicester. *Pet.* Mar. 18.

## MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Mar.* 22, 1859.

ALLEN, JOHN DAVID, Draper, Carmarthen. April 21, at 11; Bristol.

BAXTER, FREDERICK, & SAMUEL WEST (Tillson & Co.), Lace Makers, Nottingham. April 12, at 11; Nottingham; sep. est. of Frederick Baxter.

COLEMAN, SIMEON, Tailor, Kingston-upon-Hull. April 13, at 12; Kingston-upon-Hull.

ECCLES, JOSEPH, EDWARD ECCLES, & ALEXANDER ECCLES (Joseph Eccles & Co.), Cotton Brokers. April 14, at 11; Liverpool; sep. est. of Alexander Eccles.

GRIFFIN, JAMES, Poulterer, Liverpool. April 14, at 11; Liverpool.

HARFORD, JOHN, & WILLIAM WEAVER DAVIES (Harford, Davies, & Co.), Iron Masters, Bristol, and Ebbw Vale and Sirhowy, Monmouth. April 14, at 11; Bristol.

JOHN, WILLIAM NICHOLAS, Stationer, Newport, Monmouth. April 14, at 11; Bristol.

OLDHAM, JOHN, jun., Bone Grinder, Smeaton-wood, Cheshire. April 14, at 11; Liverpool.

SEVILLE, JOSEPH, Cotton Cloth Manufacturer, Salford. April 13, at 12; Manchester.

SIMMONS, JAMES, Coachmaker, Westerham, and late of Brasted, Kent. April 12, at 1.30; Basinghall-st.

STEPHENSON, JAMES, Timber Merchant, Hartlepool, and West Hartlepool. April 14, at 12; Newcastle-upon-Tyne.

WHEATLY, JAMES, Farmer, Bourton-on-the-Hill, Gloucestershire. April 21, at 11; Bristol.

WHITWILL, GEORGE, Shipowner, Bristol (in copartnership with JOHN BOWER, as Oil & Colourmen). April 14, at 11; Bristol.

WILLIAMS, THOMAS, Grocer, Crickhowell, Brecon. April 21, at 11; Bristol.

FRIDAY, *Mar.* 25, 1859.

ACKLAND, GEORGE, Merchant, Island of Ceylon, East Indies, also of 2 Moorgate-st., now of Loughborough-rd., Brixton (Ackland, Boyd & Co.) April 19, at 11; Basinghall-st.

BEASELEY, JOSEPH, jun., Iron Master, Haltwistle, Northumberland (Haltwistle Iron Co.) April 6, at 12; Newcastle-upon-Tyne (by adj. from Mar. 15.)

COOKE, JOHN, Glass Manufacturer, 4, 5, 6, & 7 Raven-row, Spitalfields, also of Hall-st., City-rd. (Cooke & Crawley). April 18, at 12; Basinghall-st.

FIGG, JOHN, Boot & Shoe Maker, Downing-st., Farnham. April 15, at 12.30; Basinghall-st.

FISHER, THOMAS, & WILLIAM FISHER, Carpenters, Harlestone, Northamptonshire. April 18, at 12; Basinghall-st.

FORSTER, PETER, Ship Builder, Sunderland. April 20, at 12; Newcastle-upon-Tyne.

GALLIENNE, GEORGE, Cutler, 71 Goswell-st. April 18, at 12; Basinghall-st.

HOGG, EDWARD HALE, Ship Owner, North Shields. April 19, at 11.30; Newcastle-upon-Tyne.

HARRISON, JOHN, & JOHN GARFORD BRIGGS, Oil & Seed Brokers, 2 Austin Friars. April 15, at 12; Basinghall-st.

HUBBARD, JOHN ROTHERY, Wool Merchant, Leeds. April 18, at 11; Leeds.

LEE, WILLIAM, Stock & Share Broker, Bristol. April 28, at 11; Bristol.

LEVY, MIER, Clothier, late of Belfast, now of 27 Little Alie-st., Goodman's-fields. April 18, at 12; Basinghall-st.

M'EACHEN, MALCOLM, Cork Manufacturer, Liverpool. April 18, at 12; Liverpool.

MATHESON, HUGH, Merchant, Liverpool. April 27, at 11; Liverpool.

MEDLEY, GEORGE BOWLEY, Underwriter, Highbury-park North, Islington, and 34 Great Tower-st., and Lloyd's Coffee-house (in partnership with WILLIAM ADAM, 34 Great Tower-st., and Lloyd's Coffee-house). April 15, at 11.30; Basinghall-st. (by adj. from Jan. 21, 1859).

MOORHOUSE, JAMES, jun., Cotton Spinner, Summerseat, near Bury. April 18, at 12; Manchester.

OLIVER, WILLIAM LEMON, Stock Broker, 4 Austin Friars. April 8, at 12; Basinghall-st.

OULTON, WILLIAM, Chemist & Druggist, Liverpool. April 15, at 11; Liverpool.

OWEN, JOHN, Slate Merchant, Rhyl. April 19, at 11; Liverpool.

PLIMMER, JOHN, Brewer, Anchor Brewery, Britten-st., Chelsea. April 19, at 11; Basinghall-st.

POWELL, WILLIAM, Grocer, Lowestoft, Suffolk. April 15, at 2; Basinghall-st.

PRINGLE, ELEDON, Ship Owner, Southport, Lancaster. April 29, at 11; Liverpool.

REYNOLDS, FOSTER, Silk Merchant, 36 Old Bread-st. (H. M. Marley & Co.) April 15, at 1; Basinghall-st.

SMITH, JOHN PETER GEORGE, Banker, Liverpool. April 18, at 12; Liverpool.

TETTERINGTON, WILLIAM, Wine & Spirit Dealer, Liverpool. April 6, at 11; Liverpool.

TURNER, JAMES, Oil & Grease Merchant, Newcastle-upon-Tyne. April 19, at 1; Newcastle-upon-Tyne.

TYSON, UTRICK, Flour Miller, Alston, Cumberland. April 20, at 11.30; Newcastle-upon-Tyne.

WALTERS, CHARLES, Pawnbroker, 28 Gt. Marylebone-st., and 6 High-st., Marylebone. April 18, at 1; Basinghall-st.

## CERTIFICATES.

*To be* ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Mar.* 22, 1859.

GOVER, EDWARD THOMAS, Stationer, Bull's Head-ct., Newgate-st. April 12, at 11; Basinghall-st.

GREENACRE, WILLIAM, & GEORGE ROBERTS, Drapers, 216 Oxford-st. April 14, at 1; Basinghall-st.

HALL, PHINEAS, Contractor, Bolton. April 15, at 12; Manchester.

HICKS, JAMES, Shoemaker, Great Driffield. April 13, at 12; Kingston-upon-Hull.

HILL, CHARLES WILLIAM, Anvil Maker, Birmingham. April 18, at 11; Birmingham.

JENNINGS, WILLIAM, Lace Dresser, Sneinton, Nottinghamshire. April 19, at 11; Nottingham.

LAMPRELL, WILLIAM ALLSTON, Builder, 91½ Long-lane, Smithfield. April 14, at 11; Basinghall-st.

LEAKE, JOHN, Wine & Spirit Merchant, Newark-upon-Trent. April 19, at 11; Nottingham.

TARLTON, JOHN COLLINGWOOD, Ship Owner, Rhyl, Flintshire. April 14, at 11; Liverpool.

WOOD, HENRY, Baker, Long Eaton, Derbyshire. April 19, at 11; Nottingham.

TAPP, EDWARD, Butcher, Leominster. April 18, at 11; Birmingham.

FRIDAY, *Mar.* 25, 1859.

CHAFFER, THOMAS, & BENJAMIN CHAFFER, Stone Merchants, Liverpool. April 18, at 11; Liverpool; separate certificate to B. Chaffer.

CHRISTMAS, TILDEN, Coal Merchant, Sheerness, and 6 Scrayfries-ter., New Brompton. April 15, at 11; Basinghall-st.

GALLIENNE, GEORGE, Cutler, 71 Goswell-st. April 15, at 11.30; Basinghall-st.

GREENACRE, WILLIAM, & GEORGE ROBERTS, Drapers, 216 Oxford-st. April 15, at 12; Basinghall-st.

GROVE, HENRY JOHN, Musicseller, Newport, Monmouthshire. April 19, at 11; Bristol.

HOLLINGTON, FRANCIS, Draper, Worcester. April 21, at 11; Birmingham.

JONES, PHILIP, Haulier, Waterloo-house, Mynyddyslwyn, Monmouthshire. April 19, at 11; Bristol.

NEVILLE, JOSIAH HENRY, Currier, Northampton. April 15, at 11; Basinghall-st.

PEARCE, JOHN, Licensed Victualler, Worcestershire. April 21, at 11; Birmingham.

ROGERS, GEORGE, Stock Broker, Abchurch-lane. April 15, at 1.30; Basinghall-st.

TARLETON, JOHN COLLINGWOOD (and *not* Tarlton, as advertised in last Tuesday's *Gazette*), Ship Owner, Rhyl. April 14, at 11; Liverpool.

TYLER, JAMES, & WILLIAM EVAN TURNER, Hop Merchants, Worcester. April 21, at 11; Birmingham.

*To be* DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Mar.* 22, 1859.

COLLINS, WILLIAM, Linendraper, 5 & 6 Rydon-ter., City-rd. Mar. 10, 2nd class.

DAWSON, GEORGE, Gun Maker, Grantham, Lincolnshire. Mar. 15, 3rd class.

EVANS, THOMAS DAIMOND, Merchant, late of 16 Bush-lane, Camden-st., now of 7 Alma-rd., Junction-rd., Upper Holloway. Mar. 16, 2nd class.

GRAVES, JAMES, GEORGE BATTISON HAINES, WILLIAM RICHARD HEATH, & JOHN METCALF (Heath & Co.), Electro Platers, Birmingham. Mar. 14, 3rd class certificate to James Granger, George Battison Haines, and William Richard Heath, to be suspended for 6 months; John Metcalf, 3rd class, to be suspended 9 months.

HAINES, SAMUEL, Coal Dealer, Snow-hill-wharf, Birmingham. Mar. 2, 3rd class.

HAYNES, THOMAS, Farmer, Hale Farm, Chiddingstone, Kent. Mar. 16, 2nd class.

HILL, ROBERT HENRY, GEORGE ROBERT HUDSON, & FREDERICK HUDSON, Warehousemen, 126 London-wall (Hill, Hudson Brothers, & Co.) Mar. 17, 2nd class.

LIVINGSTON, JAMES HUNTER, Licensed Victualler, White Hart Public-house, 89 High-st., Whitechapel. Mar. 15, 3rd class; suspended for 6 months.

METCALF, JOHN, & JOHN LILLY, Hosiers, Birmingham. Mar. 14, 2nd class.

MONUMENT, HENRY, Victualler, Britannia Tavern, 4 Caroline-pl., City-rd. Mar. 9, 2nd class.

NEVILLE, UNIAH, Wholesale Boot & Shoe Maker, Kerr-st., Northampton. Mar. 17, 2nd class.

PRATT, CHARLES WILLIAM, Draper, Cambridge. Mar. 17, 2nd class.

ROLLS, ALFRED, Parasol Manufacturer, 44 Ludgate-hill (Williams & Rolls). Mar. 15, 1st class.

STATTARD, JAMES, Cotton Spinner, Albion-st., Manchester (James Stattard & Co.) Mar. 14, 2nd class.

WILLIAMS, HENRY, Lacquan, High-st., Southwark. Mar. 15, 2nd class.

FRIDAY, *Mar.* 25, 1859.

BURRIDGE, WILLIAM, Corn Dealer, Birmingham. Mar. 15, 2nd class.

CHALLENGER, HENRY, Victualler, Gloster-lane, Bristol. Mar. 22, 3rd class.

GARDNER, JOHN, Builder, Northampton. Mar. 16, 2nd class.

GEARING, EDWIN, Jeweller, 10 Portland-pl., St. John's-wood. Mar. 16, 2nd class.

NORRIS, JAMES HENRY, Paper Dealer, Birmingham. Mar. 18, 3rd class.

PARRY, HENRY, Draper, Capel Carrig, Carnarvon. Mar. 16, 2nd class.

ROGERS, HENRY, Milliner, Bradford. Mar. 18, 1st class.

WILLIAMSON, JOSEPH, Farmer, Stockport (Williamson & Roberts). Mar. 11, 2nd class.

## Assignments for Benefit of Creditors

TUESDAY, *Mar.* 22, 1859.

BANNER, EDWARD, Farmer, Swine Brompton, Yorkshire. Feb. 24. *Trustee, J.* Burnett, Jobber, Sneinton, Yorkshire. *Sol.* Cook, Scarborough.

BEAN, WILLIAM, Carpenter, Swingfield, Kent. Mar. 3. *Trustees,* S. Finnis, Esq., Elms, Dover; T. Ismay, Ironmonger, Dover. *Sol.* Stilwell, Dover.

BEITH, WILLIAM HENRY, Ironmonger, 22 Whitechapel-rd. Mar. 15. *Trustees,* J. Whitfield, Birmingham; G. Stanley, Falcon-hall, London. *Sol.* Bell, 21 Abchurch-lane.

BLOOR, JOHN, Cooper, Horninglow, Burton-upon-Trent. Mar. 14. *Trustee,* H. Clark, Timber Merchant, Burton-upon-Trent. Creditors to execute on or before June 14. *Sol.* Vallack, Derby.

BURMAN, WILLIAM, Coal Merchant, Ashted, Birmingham. Mar. 3. *Trustees,* J. Robinson, Coal Merchant, Burton-upon-Trent; W. Booth, Coal Merchant, Eastwood, near Nottingham. *Sol.* Browne, Nottingham.

CUBISON, FREDERICK JOHN, Laceman, Strand, Torquay. Mar. 7. *Trustees,* G. Hutchinson, Warehouseman, Cannon-st.; H. Bollen, Warehouseman, Friday-st. *Sol.* Devonshire, 8 Old Jewry.

FOSTER, WILLIAM GEORGE, Corn Merchant, Southsea, Hants. Mar. 11. *Trustees,* J. Dunning, Corn Merchant, Portsea; F. Gauntlett, Merchant, Portsea. Creditors to execute on or before June 11. *Sol.* Hellard, Portsmouth.

GOULD, OLIVER, Tailor, Chilham, Kent. Mar. 2. *Trustee,* S. Estcourt, Warehouseman, 37 Gutter-lane, Cheapside. *Sol.* Huson, 4 King-st.

PRICHARD, JOHN, & ROBERT DODD, Mercers, Chester (Prichard & Dodd). Mar. 4 *Trustees,* J. Williams, Banker, Chester; L. Roberts, Merchant, Manchester; and other persons. Creditors to execute before June 4. *Sol.* Huson, Chester.

TERRY, DANIEL WILLIAM, Tailor, Nicholas-lane. Mar. 1. *Trustees,* J. Walker, Warehouseman, Milk-st., Cheapside; C. Belcher, Warehouseman, Basinghall-st. *Sol.* Huson, 4 King-st.

THOTTER, THOMAS, Grocer, Newcastle-upon-Tyne. Mar. 5. *Trustee,* E. Tetley, Tea Merchant, 25 Callum-st., London; A. Gillespie, Accountant, Newcastle-upon-Tyne. Creditors to execute before June 5. *Sol.* Irving, 64 Lincoln's-inn-fields.

WHITEMAN, AMBROSE JOHN, Woollen Draper, 2 Queen's-ter., Brompton. Feb. 25. *Trustees,* J. C. Tippetts, and C. Calebread, Warehousemen, 40 Gresham-st. *Sol.* Huson, 4 King-st.

WITHERS, HENRY, Builder, Bristol. Mar. 3. *Trustees,* G. Sinnott, Contractor, and R. W. Barrow, Carpenter, Bristol. *Sol.* Dix, 1 Exchange-bldgs., Bristol.

FRIDAY, *Mar.* 25, 1859.

BARNARD, FREDERICK, Linendraper, Bedford. Mar. 2. *Trustees,* T. Devas, Warehouseman, Cannon-st. West; G. Howes, Warehouseman, St. Paul's-churchyard. *Sol.* Hardwick, Weavers'-hall, 22 Basinghall-st.

BUTLER, JAMES, Haberdasher, Leamington Priors, Warwickshire. Mar. 15. *Trustees,* J. Long, Draper's Salesman, 14 & 15 Portman-pl., Edgware-rd.; A. W. Trepess, Auctioneer, Warwick. *Sol.* Moore, Warwick.

CROUCH, FRANCIS, Draper, 99 Smallbrook-st., Birmingham. Mar. 3. *Trustee,* T. W. Elstob, Warehouseman, Wood-st., Cheapside. *Sols.* Davidson, Bradbury, & Hardwick, Weavers'-hall, 22 Basinghall-st.

EYNASTON, HENRY, Tailor, 20 Boundary-pl., Liverpool. Mar. 15. *Trustee,* C. Headland, Woollen Merchant, 43 & 45 Gutter-lane, Cheapside; E. R. Roose, Accountant, North John-st., Liverpool. *Sol.* Almond, 31 North John-st., Liverpool.

LAUGHTON, JOSEPH STEER, Bookseller, 93 Bold-st., Liverpool. Mar. 5. *Trustees,* C. Groves, Gent., 4 Water-st., Liverpool; J. C. Stead, Accountant, 32 Castle-st., Liverpool. *Sol.* Bird, 57 Church-st., Liverpool.

TIBBS, JOHN, Grocer, Barrowden, Rutland. Feb. 28. *Trustee,* T. Nunneley, Grocer, Leicester. *Sol.* Harvey, Leicester.

TOREY, SWIFT, Draper, Peterborough. Mar. 2. *Trustees,* M. Chesterfield, Farmer, Deeping St. James, Lincolnshire; J. Oldrid, Draper, Boston. Creditors to execute on or before June 2. *Sol.* Deacon, Peterborough.

WESTON, WILLIAM, Painter, Old Town, Lymington, Southampton. Mar. 14. *Trustee,* J. Hayward, Grocer, Lymington, and others. *Sol.* Brown, St. Thomas's-st., Lymington.

## Creditors under Estates in Chancery.

TUESDAY, *Mar.* 22, 1859.

*Last Day of Proof.*

BOYLE, CORNELIUS, Gent., Mill Field-lane, Highgate-rise (who died on or about Feb. 4, 1857). Boyle, Spinster v. Boyle and others, V. C. Stuart. April 12.

BROOMHEAD, HENRY, jun., Attorney-at-Law, Sheffield (who died in or about July, 1857). Smith v. Smith, M. R. April 14.

BRYANT, EDWARD, Gent., Grange, Caldecot, near Biggleswade (who died in or about Dec., 1857). Taylor and another v. Bryant and others, V. C. Stuart. April 30.

EVANS, JAMES, Brandy & Spirit Merchant, Slough, Stoke Pogis, Bucks (who died on or about May 4, 1836). Bennington v. Adams, V. C. Kindersley. April 18.

MARSHALL, JOHN, Wine Merchant, Walsall, Staffordshire (who died in or about Aug., 1859). Marshall v. Marshall and others, M. R. April 14.

M'DONALD, WILLIAM, Spirit Merchant, South Shields (who died in or about Dec., 1833). M'Donald v. Wilson and Wilson, V. C. Kindersley. May 3.

PRESTON, CHARLES, Esq., Sewardstone, Essex (who died in or about Jan., 1858). Dimsdale v. Crewe & others, V. C. Stuart. April 18.

RAYNES, JOSHUA, Builder, Obelisk-yard, Southwark, and late of Sydenham (who died in or about Feb., 1845). Shaw & another v. Juggins, Juggins v. Jones & others, V. C. Stuart. April 30.

RAYNER, REBECCA, Widow, formerly of Obelisk-yard, Southwark, and late of Sydenham (who died in or about Oct., 1845). Shaw & another v. Juggins, Juggins v. Jones & others, V. C. Stuart. April 30.

WEEDON, WILLIAM, Esq., 3 Clarence-pl., Stockwell (who died in July, 1854). Budge v. Weston, V. C. Kindersley. May 3.

FRIDAY, *Mar.* 25, 1859.

BOWES, JOHN, jun., Yeoman, Houghton, Cumberland (who died in or about Sept., 1832). Watson & others v. Saul & others, V. C. Stuart. April 16.

Charlesworth, William, Yeoman, Worrall, Bradfield, Yorkshire (who died in or about Feb., 1850). Baxter v. Charlesworth, M. R. April 27.

M'Millan, Charlotte, Widow of Hugh M'Millan, Carpenter, formerly of Commercial-rd., Lambeth, late of Castlemaine, County Talbot, Victoria, Ironmonger (who died on board the ship *Avon*, at sea, on or about Oct. 6, 1857). M'Millan v. M'Millan, M. R. Nov. 25.

Moore, William, Gent., Glengall-grove, Old Kent-rd., Surrey (who died in May, 1855); and Maria Moore, Widow of the said William Moore, Glengall-grove (who died in or about July, 1858). Moore & Smith v. Moore & others, M. R. April 18.

Mowbray, Charlotte, Widow, Louth (who died in or about Nov. last). Re Mowbray's Estate, Mimmack v. Smith, V. C. Wood. April 18.

Paul, Edwin, Tobacconist, 4 Holloway-ter., Holloway-rd. (who died in or about the month of Oct., 1858.) Allen v. Paul, M. R. April 18.

Peck, James, Farmer, Cottenham, Cambridge (who died in or about the month of Aug., 1857). Peck v. Peck, M. R. April 18.

Syme, David (otherwise David Sims), Yeoman, Bushey, Hertfordshire (who died in or about the month of Aug., 1857). Muddell v. Sims & Lawrence, V. C. Stuart. May 14.

Talbot, James, Licensed Victualler, formerly of Lower Queen-st., Rotherhithe, afterwards of the Trinity Arms Publichouse, Church-st., Deptford, and late of 4 Melville-ter., South-st., Greenwich (who died in the month of July, 1852). Ward v. Talbot, V. C. Kindersley. May 7.

Thomas, Charles Frederick, Job Master, Park-crescent Mews, Marylebone (who died in or about the month of Dec., 1858). Jarred v. Hale, V. C. Kindersley. April 19.

## Windings-up of Joint Stock Companies.

Tuesday, *Mar.* 22, 1859.

Unlimited, in Chancery.

Home Counties and General Life Assurance Company.—V. C. Kindersley will, on Mar. 29, at 2, at his Chambers, make a call on all Contributories of £1 per £1 share, and £2 per £2 share.

Kent Benefit Building Society, also called The Kent Freehold Land Society.—V. C. Kindersley will, on Mar. 29, at 12, at his Chambers, appoint an Official Manager.

Mandale Mining Company.—The Master of the Rolls will, on April 16, make an absolute Order for winding up.

New Engine Coal Mining Company.—Creditors to prove their debts before V. C. Wood, at his Chambers.

Paragon and Spero Coal Mining Company.—Creditors to prove their debts before V. C. Wood, at his Chambers.

Friday, *Mar.* 25, 1859.

Newcastle-upon-Tyne Marine Insurance Company.—The Master of the Rolls will, on Mar. 30, at 1, at his Chambers, make a call on the list of Contributories of £3 per share.

South Essex Gas Light and Coke Company.—Creditors to prove their debts before V. C. Wood, on April 21.

Limited, in Bankruptcy.

Boo Mining Company.—April 8, at 2; Basinghall-st.; for proof of debts.

British and Foreign Smelting Company.—April 7, at 12; Basinghall-st.; for proof of debts.

European and American Steam Shipping Company.—April 5, at 2; Basinghall-st; for winding up Company.

## Scotch Sequestrations.

Tuesday, *Mar.* 22, 1859.

Baird, Alexander, Baker, Springburn. Mar. 29, at 2; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Mar. 17.

Mackay, John (J. Mackay & Son), Boot & Shoe Maker, 121 George-st., Glasgow. Mar. 28, at 2; Franklin Temperance-hotel, Queen-st., Glasgow. *Seq.* Mar. 17.

Shiells, Andrew, sometime Flesher, Portobello, thereafter Potato Merchant, at Myles by Tranent, now residing in Home-st., Edinburgh. Mar. 29, at 2; Stevenson's-rooms, St. Andrew-sq., Edinburgh. *Seq.* Mar. 18.

Shaw, Mrs. Jane, Merchant, Burghead, Elgin. April 4, at 1; Gordon-arms-hotel, Elgin. *Seq.* Mar. 19.

Friday, *Mar.* 25, 1859.

Birrell, Patrick, Farmer, Castleton, Forfar. Mar. 30, at 12; British-hotel, Dundee. *Seq.* Mar. 19.

Hill, Ezekiel, Boot & Shoe Maker, Dumbarton. April 5, at 12; Elephant-hotel, High-st., Dumbarton. *Seq.* Mar. 23.

Robertson, Robert, Stationer, Gordon-st., Glasgow. April 4, at 2; Faculty-hall, St. George's pl., Glasgow. *Seq.* Mar. 23.

Tulloch, Alexander, Clothier, Berth. April 5, at 1; Solicitors'-library, County-bldgs., Perth. *Seq.* Mar. 22.